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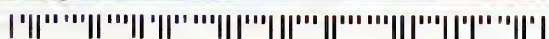
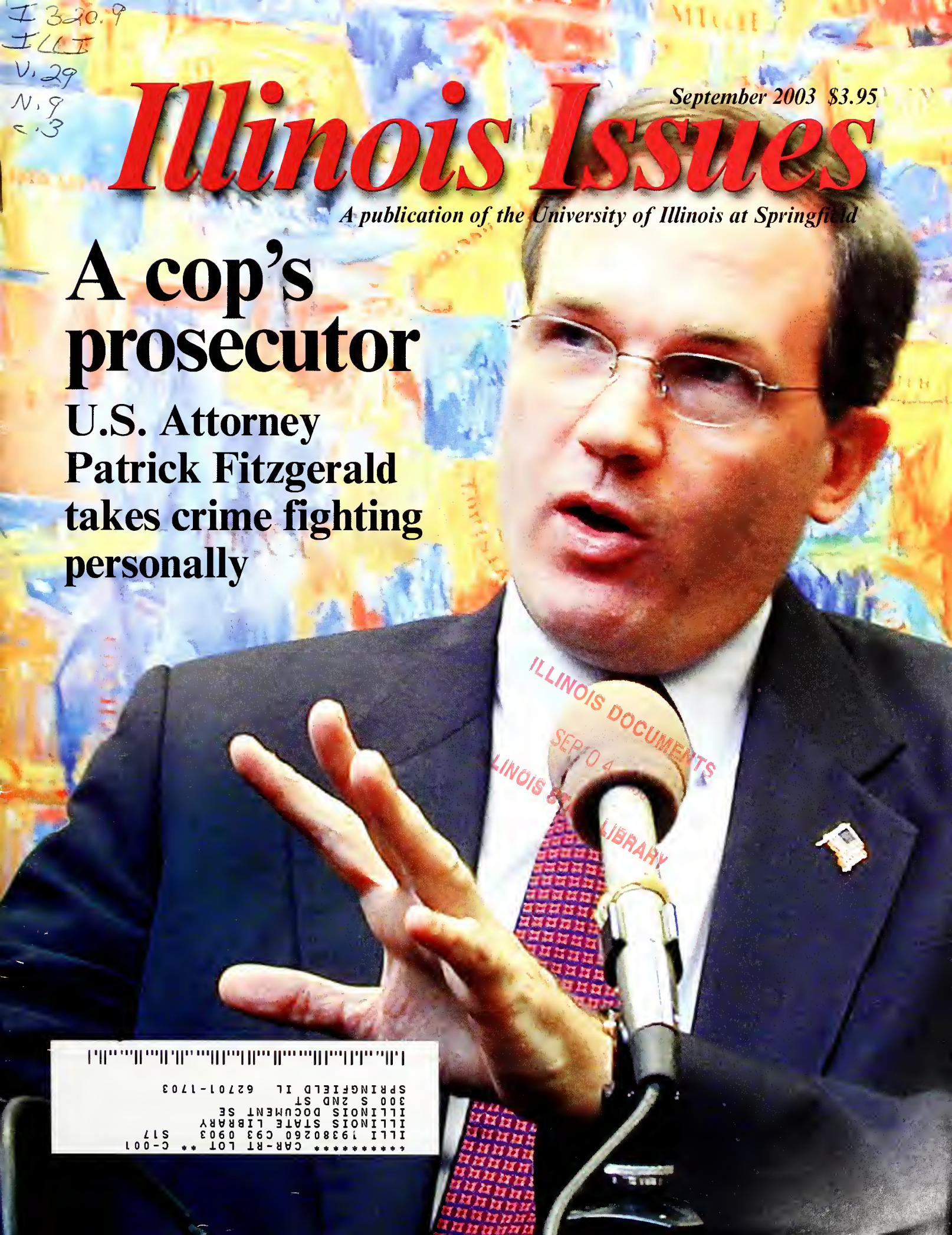
Illinois Issues

September 2003 \$3.95

A publication of the University of Illinois at Springfield

A cop's prosecutor

U.S. Attorney
Patrick Fitzgerald
takes crime fighting
personally



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Peggy Boyer Long



Despite good economic news the states are still staring down budget woes

by Peggy Boyer Long

The running joke at this summer's annual conference of state government reporters was that the recession is over. Economists with the National Bureau of Economic Research, a nonprofit organization, say it ended in November 2001.

Corina Eckl, a fiscal expert with the National Conference of State Legislatures, calls this the good news that doesn't make us feel any better. But for many of the 120 journalists who attended the national meeting of the Association of Capitol Reporters and Editors in Minneapolis last month, the punchline to the joke is California.

No matter what economists say, states are still experiencing fiscal pain. Budget woes are so widespread, in fact, that statehouse reporters from across the nation found themselves comparing notes on how bad it has gotten — and swapping tales of political and policy solutions.

In California, for instance, the fallout from a massive \$38 billion budget gap could even drive that state's governor, Gray Davis, from office.

But the news throughout the country is that many states are hemorrhaging red ink. As governors

More information

- **Association of Capitol Reporters and Editors (*capitolbeat.org*)** is an organization of journalists who cover the states.
- **Council of State Governments (*csg.org*)**, an association of legislative and executive elected officials, offers multistate solutions to policy problems.
- **National Conference of State Legislatures (*ncsl.org*)** is an organization that serves the nation's state lawmakers.
- ***Stateline.org*** compiles and reports online news of the states and tracks trends.

headed into the 2004 fiscal year, according to a preliminary report by the National Conference of State Legislatures, 42 states had an aggregate budget gap of \$78.4 billion. NCSL issues annual surveys of state budget and tax actions, and the latest figure includes only those states that

had finished budget deliberations and forwarded information earlier in the spring. A final report is expected by the end of the year.

Meanwhile, there's plenty of other bad news. Timothy Blake of Moody's Investors Service outlined for reporters a set of long-range fiscal challenges. Blake, who is part of the state ratings group at that company, is responsible for Illinois and some other states. He noted that factors affecting a state's rating, meaning its credit worthiness, include the economy, a state's fiscal condition and its management practices. State deficits and risky strategies, in short, can lead to lower ratings. And, in general, lower credit worthiness can boost the cost of long-term debt.

Yet, as states have gotten more desperate, they have taken more risks. Some are turning to approaches that can be compared to using the family's credit card to pay for groceries — a risky idea that raises red flags on Wall Street. Fiscal analysts generally want to see governments pay today's debts with today's dollars.

As an example, analysts point to potential problems in deficit bonding. Blake cited Illinois' \$10 billion bond sale, more than \$2 billion of which can

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be called deficit bonds. That's because the dollars raised by those bonds are earmarked for current state pension obligations, thereby freeing cash to fill some of Illinois' budget gap. The governor had estimated that gap at \$5 billion over two years. Good fiscal practice dictates that governments don't bond current operations.

Blake also put this economic downturn into perspective for state-house reporters, many of whom had covered the economic downturn in the early '90s. That recession, he said, hit the Northeast hardest, while this recession is hitting the Great Lakes states hardest because manufacturing output is in decline, meaning this recession is not really over for that economic sector.

During the last recession, Blake said, there were 14 state rating downgrades in five years. This latest recession has prompted 12 downgrades in two years, including Illinois. But, notably, four of those downgrades happened in California.

In reality, some states have few choices. They've been facing fiscal challenges for three years now, and, as experts say, the easy strategies have already been used. According to NCSL, since fiscal year 2001, when early indications of budget problems first surfaced, states have had to find ways to close a cumulative budget gap approaching \$200 billion.

On the expense side of the ledger, Medicaid appropriations have outpaced other key categories of state spending for the third straight year. But Eckl and other experts — though not all — maintain the problem is rooted in anemic revenues.

Income taxes especially have plummeted in many states, often because of the nosedive in the stock market and the subsequent absence of hefty capital gains that once buttressed state treasuries. Traditionally, states considered the personal income tax a better source of revenue than the sales tax. But, analysts say, states are beginning to weigh whether heavy reliance on the income tax is a sound fiscal strategy.

There are political reasons for this

reassessment, as well. Some governors, including Illinois' Rod Blagojevich, campaigned on no-tax-hike pledges. So these states have tapped special funds and hiked fees to generate additional revenue.

In fact, NCSL says fees are the big story. Billions of dollars have been generated through new or increased fees, some of which Eckl calls pretty creative — Alaska's studded tire fee, for instance, or Minnesota's fee for barkeeps who want to stay open an hour longer.

As in Illinois, more states are dipping into special funds. Some are borrowing against expected allotments under the national settlement with tobacco companies. Some are turning increasingly to short-term borrowing, as Illinois has done. And many, again including Illinois, are pushing to boost their respective federal revenues — just as the feds, facing their own budget problems, are pressuring states to take on more responsibilities with fewer dollars. But this spring, significant fiscal relief came through a windfall for states that was tied to a federal tax cut.

According to NCSL's report, the states generally are predicting revenue growth in fiscal year 2004. It should be noted, though, that all but one state requires a balanced budget — at least on paper — and optimistic revenue projections help when officials are struggling to balance the books. Over the past three years, states have had to lower revenue projections later in the fiscal year.

The Association of Capitol Reporters and Editors is tentatively scheduled to meet again in South Carolina in November 2004. At that post-election session, reporters are likely to compare notes on how well their states' budgets fared — and whether other governors have foundered on fiscal crisis.

But if California, the fifth-largest economy in the world, has gone belly up, that will be no joke for the states. Or the reporters who cover them. □

Peggy Boyer Long can be reached at peggyboy@aol.com.

Illinois Issues

A publication of the University of Illinois at Springfield

September 2003

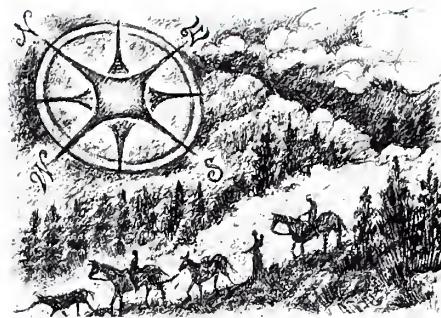
Volume XXIX, No. 9



Over troubled bridges, page 20



Radical move, page 27



Lewis and Clark, page 30

FEATURES

14 **Profile** A cop's prosecutor

by Aaron Chambers

Also called a prosecutor's prosecutor, U.S. Attorney Patrick Fitzgerald takes crime fighting personally.

20 **Over troubled bridges**

by Kurt Erickson

Congress is gearing up to rewrite the nation's transportation plan. How will Illinois fare?

24 **Home work**

by Maura Webber

Business is deciding it's good policy to help employees buy their own homes.

27 **Radical move**

by Dori Meinert

The Bush Administration wants to shift responsibility for the nation's most common housing subsidies to the states.

30 **Essay** Lewis and Clark

by Robert Kuhn McGregor

They may have been the first white Americans to savor the wild country, but they also were just about the last. We can only experience their journey to the unknown through reading.

Credits: The portrait on our cover was taken by Paul McGrath, a Chicago photographer.

Editorial and business office: HRB 10, University of Illinois at Springfield, One University Plaza, Springfield, IL 62703-5407. Telephone: 217-206-6084. Fax: 217-206-7257. E-mail: illinoisissues@uis.edu. E-mail editor: boyer-long.peggy@uis.edu.
Subscription questions: *Illinois Issues*, Subscription Division, P.O. Box 2795, Springfield, IL 62708-2795 or call 1-800-508-0266. Hours are 8:00 a.m. - 4:30 p.m. Central Time, Monday-Friday (except holidays). **Subscriptions:** \$39.95 one year/ \$72 two years/ \$105 three years; student rate is \$20 a year. Individual copy is \$3.95. Back issue is \$5. *Illinois Issues* is indexed in the PAIS Bulletin and is available electronically on our home page: <http://illinoisissues.uis.edu>. *Illinois Issues* (ISSN 0738-9663) is published monthly, except during the summer when July and August are combined. Periodical postage paid at Springfield, IL, and additional mailing offices.
Postmaster: Send address changes to *Illinois Issues*, Subscription Division, P.O. Box 19243, Springfield, IL 62794-9243.
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DEPARTMENTS

- 3 **EDITOR'S NOTEBOOK**
States stare down budget woes
by Peggy Boyer Long
- 6 **STATE OF THE STATE**
Patriot Act sparks debate
by Aaron Chambers
- 8 **BRIEFLY**
- 34 **PEOPLE**
- 36 **LETTERS**
- 38 **ENDS AND MEANS**
Politicians place risky bet
by Charles N. Wheeler III

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The Patriot Act sparks dialogue on the balance between security and liberty

by Aaron Chambers

One pre-emptive strike begets another. At least that's the sequence of events in Evanston, where the city council registered its opposition to one of the federal government's chief tools in the war against terrorism.

The council passed a resolution in May calling on Congress to repeal the USA Patriot Act and "refrain from passing any further legislation that violates or unduly limits the civil rights and liberties guaranteed by the United States Constitution."

City officials say there was no specific instance of government force that prompted the measure. Rather, they say, the city reacted to citizen concerns about the potential for infringement on their civil liberties.

"The concerns just related to general intrusion into lives and overstepping the constitutional rights of people," says City Manager Roger Crum.

Lionel Jean-Baptiste, an Evanston alderman and proponent of the resolution, adds, "People felt that all the basic rights that are guaranteed by the Constitution were being threatened by the Patriot Act."

There are a string of antecedents to the Patriot Act. The Alien and Sedition Acts of 1798 outlawing speech against the government, President Abraham Lincoln's suspension of the writ of *habeas corpus* to prevent

Three states — Alaska, Hawaii and Vermont — and 150 communities in 27 states have approved resolutions protesting the Patriot Act, according to the American Civil Liberties Union.

imprisoned Confederate sympathizers from contesting their detentions in court, criminal restrictions on speech during World War I, internment of Japanese Americans during World War II and Cold War-era domestic spying are all instances in which the government assumed or was granted summary powers during a national crisis.

And each instance gave rise to a dialogue on the proper balance between security interests — government powers — and individual liberties. Anti-Patriot Act resolutions, part of a growing tide of resistance, mark the latest round in that debate.

Congress overwhelmingly approved the law a month after the September 11 terrorist attacks in 2001, and the U.S. Justice Department defends it as a

crucial weapon in the nation's war on terrorism.

The law strengthened government surveillance and law enforcement powers, removed barriers against information-sharing between intelligence and law enforcement agencies, and added a host of provisions aimed at disrupting financing of terrorism. It gives the government new powers to obtain personal information about U.S. citizens and to detain aliens deemed threats to national security and hold them without acknowledgment to the public. It permits the government to secretly view records of materials checked out of public libraries or bought in bookstores and observe Internet activity on library computers, and forbids librarians or booksellers to talk about any investigations.

The Justice Department credits the law with minimizing the terrorist threat. But that progress has coincided with a widespread grass-roots concern about government intrusion.

Three states — Alaska, Hawaii and Vermont — and 150 communities in 27 states have approved resolutions protesting the Patriot Act, according to the American Civil Liberties Union. Two other Illinois cities, Chicago and Oak Park, are considering them. Rep. Julie Hamos, a Democrat whose district includes Evanston, says she is not aware of any effort to pass a

statewide resolution.

Such resolutions fall into two categories: those that simply state objections to the Patriot Act or certain sections of the law, and those that prevent local police from engaging in surveillance or other law enforcement activities pursuant to the law and in conjunction with the federal government.

Evanston's resolution fits into the first category. But Crum says the city did consider versions that would have blocked police from working for the feds.

The resolution notes the Patriot Act "significantly expands the government's ability to access sensitive medical, mental health, financial and educational records about individuals, lowers the burden of proof required to conduct secret searches and telephone or Internet surveillance, increases federal law enforcement authority to obtain library records and prohibits librarians from informing patrons about monitoring or information requests."

It concludes that "interpretations and applications" of the law and executive orders associated with the law "may encourage racial and ethnic profiling of both citizens and noncitizens."

There are other signs of resistance. Public libraries around the country are taking steps to protect the privacy of their patrons. The Skokie Public Library, for example, has posted signs warning patrons that the FBI and other agencies could secretly check records to see what books patrons have checked out or what Internet sites they have visited, and that librarians could say nothing.

Officials at the Schaumburg Township District Library, where similar signs are displayed, are deleting every day the names of patrons who use the Internet so that there are no computer logs for investigators to search.

There also are legal challenges. In late July, the ACLU, which supports anti-Patriot Act resolutions, and several community groups challenged the law's provisions that allow FBI agents to secretly order librarians to disclose reading lists or other information. The suit is before a

This debate over the competing interests of security and liberty will continue, and likely intensify. There are aspects of the administration's efforts that have yet to appear on the radar screen.

Detroit federal court.

A group of civil rights lawyers also has challenged the section that makes it illegal to provide "expert advice and assistance" to groups with alleged links to terrorists. The New York-based Center for Constitutional Rights filed the motion in a Los Angeles federal court as part of its ongoing challenge to a 1996 law that makes it a crime to support any group designated as a foreign terrorist organization.

And in a sign that Congress may be reconsidering its strong support for the Patriot Act, the House in July voted 309-118 in favor of blocking the Justice Department from spending money to implement a provision in the law that permits federal agents to search property without immediately notifying the owner.

The Bush Administration's support for the Patriot Act is not deterred by these protests, however. Attorney General John Ashcroft said in testimony before the House Judiciary Committee in June that certain sections of the law should, in fact, be expanded.

He reminded the committee that "no major attack has occurred on American soil since September 11." And he took aim at critics of the law, saying the government's ability to prevent another major attack would be "more difficult, if not impossible" without the law.

Ashcroft said the law should be modified in three ways: so that those who train for and fight with designated terrorist organizations can be charged

under "material support" statutes; so that the law consistently provides maximum penalties for acts of terrorism; and so that terrorism offenses are expressly listed among the crimes that trigger pre-trial detention.

This debate over the competing interests of security and liberty will continue, and likely intensify. Indeed, there are aspects of the administration's efforts that have yet to appear on the radar screen.

For instance, the Justice Department last July authorized a group of Florida police officers to enforce immigration laws in cases involving terrorism and national security. Immigration advocacy groups oppose such powers on the part of local police because, they argue, illegal immigrants will be reluctant to call police in emergency situations for fear of being deported. The Justice Department promised the program would be sensitive to civil rights and that officers would not engage in immigration enforcement that doesn't involve domestic security or terrorism issues.

And there are still other initiatives under discussion: A panel formed in July by President George W. Bush to study ways to improve the U.S. Postal Service recommended that the service consider developing an electronic system to track all mail for security purposes.

At least for the short term, the pendulum appears to be swinging in favor of security. Still, historically, society has eventually regained balance before democratic principles were lost to government expansion.

"We could do away with terrorism in the United States and we'd never have to worry about it again," says Thomas Kneir, special agent in charge of the Chicago office of the FBI. "You wouldn't want to live here, though. We would come into your house every night and check through your stuff. We'd have roadblocks up the street, and we wouldn't let any commerce come in or out. We could ratchet things down. We could do that. But is that necessary?" □

Aaron Chambers can be reached at statehousebureau@aol.com.

BRIEFLY

GOV'S ACTION

Gov. Rod Blagojevich cut more than \$220 million from the \$53 billion budget the General Assembly approved for the fiscal year that began July 1. The cuts include dollars earmarked for other executive officials, which incited a public spat with Secretary of State Jesse White, a fellow Democrat, and state Treasurer Judy Baar Topinka, a Republican. They accused the governor of double-crossing them by yanking the funds at the last minute. The governor responded that they should be more interested in saving state money.

Meanwhile, Blagojevich's budget Director John Filan failed in his attempts over the summer to persuade managers of the state's major pension funds to make low-risk investments with proceeds from the state's recent \$10 billion bond sale. Filan argued investments should be conservative in light of the sluggish economy. But pension fund managers opted to continue to invest the funds in diverse portfolios.

Last month, the governor said his staff lost track of 10 bills. Because he failed to act on those bills, they automatically became law — marking the first time this has happened since 1939. Blagojevich did dispose of numerous other bills.

Interrogations

Investigators must audiotape or videotape interrogations and confessions in murder cases. Confessions not taped still could be admissible in court if, for instance, taping wasn't feasible for police.

Profiling

Police must record the race of everyone pulled over for a traffic violation to show whether police target minorities.

Higher education

Beginning next fall, a student's tuition at any Illinois public university

will be fixed for four years. University budgets will be dictated by line item, rather than lump sum.

Contraception

Insurance providers who cover prescription drugs also must cover FDA-approved contraceptive drugs and devices.

Prescriptions

A state-sponsored prescription drug discount card could help senior citizens and the disabled save money on drugs. Participating pharmacies must give discounts on medication; the state will pool its buying power to get the best deal (see *Illinois Issues*, May, page 19).

Health

The eligibility levels for KidCare and FamilyCare, two state health insurance programs for the poor, will be raised to include an additional 320,000 people.

Access

City councils and other local governmental bodies must record all closed-door sessions. Judges would review the tapes if there's a challenge to the closed sessions.

Identity theft

Police must take reports of identity theft. Victims can obtain court declarations stating they are innocent of crimes committed in their names (see March 2002, page 15).

O'Hare

A plan to expand Chicago's O'Hare International Airport was cemented into state law. The amended law precludes Blagojevich and future governors from modifying it.

Spam

Senders of unsolicited e-mail known as spam would have to include

in the subject lines of such e-mails the letters "ADV" to designate that it is an advertisement.

Methamphetamine

Convicted meth producers must pay for decontamination of meth lab sites and prison sentences will double for cooking meth near children as part of several new laws aimed at the highly addictive and dangerous illicit drug.

Trucks

Blagojevich vetoed a bill to permit semi trucks to drive 65 miles per hour. He argued that raising the speed limit would encourage accidents because trucks take longer than cars to stop.

Aaron Chambers

Quotable

“I bet a lot of newspaper owners are crossing their fingers right now, hoping they get what they paid for.”

Common Cause President Chellie Pingree in the August 4 edition of Crain's Chicago Business about congressional moves to overturn Federal Communications Commission rules relaxing media ownership restrictions. In June, the FCC eliminated caps on the number of television stations a company can own and a ban on owning a newspaper and TV station in a single market. Following a public outcry, Congress is revisiting the changes. Crain's reporter Jeremy Mullman writes that the controversy could affect the Chicago Tribune, which is seeking to grow its television market but could be forced to unload media properties in New York and Los Angeles.

Court scales back 15-20-Life law

The Illinois Supreme Court took another bite out of a law that beefs up sentences for offenders who use guns while committing crime.

The court's decision in late June shortened sentences for at least 100 convicts in Cook County alone, according to that county's public defender's office.

The law at issue, referred to as "15-20-Life," was championed by former Gov. George Ryan and approved in 1999. It requires an extra 15 years in prison for offenders who carry guns during certain offenses, an extra 20 years for firing a gun and an extra 25 years to life for shooting someone.

The high court ruled that, with respect to certain offenses, the law unconstitutionally requires more time in prison than for more severe offenses not included within its scope. Specifically, a majority of the court ruled that the 15- and 20-year additions are unconstitutionally disproportionate with respect to aggravated kidnapping, armed robbery and aggravated vehicular hijacking.

The court previously ruled the law unconstitutional with respect to attempted first-degree murder and armed robbery while in possession of a firearm.

Aaron Chambers

Senior advocates want parolees banned from Illinois nursing homes

In an effort to end the practice of paroling inmates into nursing homes, the statewide program that advocates for the rights of nursing home residents is pushing for access to the names and locations of parolees.

"It only seems appropriate that the ombudsmen know," says Nancy Flowers, who serves as president of the Illinois Association of Long-Term Care Ombudsmen.

The Illinois Department of Corrections regularly paroles inmates physically unable to care for themselves, or with no family to care for them, into nursing homes. The department refuses to disclose names and locations of these parolees, claiming privacy rights. Flowers dismisses the claim that privacy rights would be violated, arguing ombudsmen aren't allowed to breach confidentiality of nursing home residents, anyway. Ombudsmen visit nursing homes and, if they find serious problems, forward the information to the Illinois Department of Public Health.

Corrections spokesman Brian Fairchild defends the practice of placing parolees in nursing homes. These inmates, he notes, are often disabled and make up a small percentage of the 33,000 parolees living outside of prison walls.

"Let the numbers speak for themselves," Fairchild says.

As of early August, 33 inmates were residing in 22 homes across the state, but the number of parolees can range from 20 to 50 on any given day, according to Fairchild.

Nursing home surveyors with the Illinois Department of Public Health are given a list of corrections parolees during a facility's annual inspection. However, agency regulations do not require nursing home administrators to advise residents or any member of the public of the presence of parolees.

The issue has caught the attention of a member of Gov. Rod Blagojevich's Cabinet. Deputy chief of staff for social services, Louanner Peters, says the parole practice is left over baggage from previous administrations.

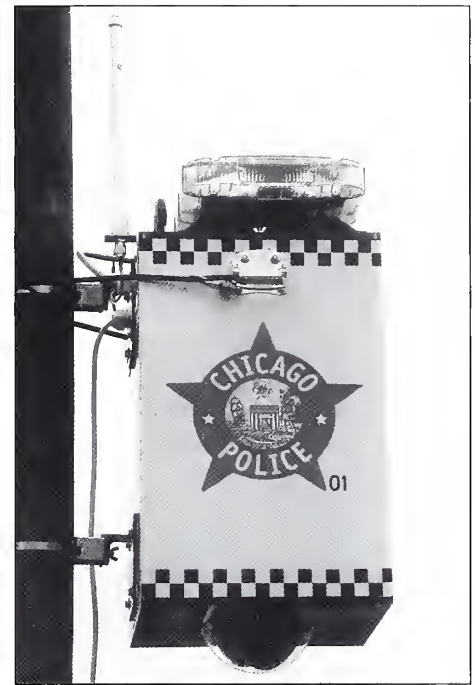
"I don't even know how we inherited this issue," says Peters. "But we want to get to the bottom of it so we can resolve it."

Mary Massingale

Statehouse reporter, Copley Illinois Newspapers

Policy briefing: Education

After an assessment of five years' worth of Illinois Standards Achievement Exams showed mixed results, State Superintendent of Schools Robert Schiller said, "For students to do well on state assessments, their curriculum must be aligned with state standards. It is as simple as that." The scores in math showed improvement at all levels, while reading scores were flat. Schools are under pressure to improve to meet the federal No Child Left Behind law.



Chicago police installed cameras with the department's logo and flashing blue lights.

Chicago PD using cameras to fight crime

The Chicago Police Department netted its first bust using the surveillance cameras it added last month to its arsenal of crime-fighting tools.

The department installed bulletproof cameras in public spots in high-crime areas in an effort to interrupt and record illegal activity. On August 10, a man was charged with possession of ecstasy and cannabis after he was spotted by a camera erected in the Humboldt Park neighborhood.

The cameras are equipped with zoom lenses and night vision technology and can be manipulated by remote control. The department intends to preserve video of reported crimes and erase images of noncriminal activity within three days.

While the Illinois Office of the American Civil Liberties Union is concerned about the growing use of government surveillance, courts have found that such cameras are permissible in public places. Ed Yohnka, the office's communications director, says it's imperative that such technology not be used in a way that violates someone's personal privacy or constitutional rights.

Aaron Chambers

Death penalty reforms returned to lawmakers

While Gov. Rod Blagojevich says he supports legislative efforts to minimize the chance that Illinois will execute an innocent person, the Democrat, who enjoyed strong support from police organizations on the campaign trail last year, drew the line at lowering the threshold for prosecuting police officers who may have lied on the stand.

The governor returned a measure the General Assembly approved last spring that represents the culmination of extensive analysis and debate regarding the death penalty. That debate began more than three years ago when former Gov. George Ryan declared a moratorium on executions and formed a blue ribbon panel to study Illinois' capital punishment system.

Though Blagojevich says he supports all but one of the measure's provisions, several of which evolved from Ryan's commission, he objected to the creation of a new procedure for trying allegations of police perjury.

Under Illinois statute, trial witnesses who allegedly lie under oath are prosecuted as criminals, and the state's burden of proof is beyond a reasonable doubt. Under the death penalty reform measure, state law also would provide a civil procedure for trying police officers alleged to have committed perjury. The standard of proof would be clear and convincing evidence — higher than preponderance of the evidence, the standard applied in most civil cases, but lower than beyond a reasonable doubt.

Further, while criminal matters are prosecuted by state's attorneys in a court, the legislative proposal would allow civil proceedings on police perjury to be brought by a defendant who was charged with murder or by another police officer. The 19-member Illinois Law Enforcement Training and Standards Board would hear the complaint.

Judgment against a police officer under the existing criminal procedure or under the proposed civil procedure

would result in that officer's decertification. In other words, the officer loses his or her badge.

Blagojevich, in his veto message to lawmakers, said that the civil provision "will have the unintended and adverse impact of placing new constraints on the effective administration of justice, while denying due process rights to police officers." In an accompanying press release, he said, "Police officers shouldn't be treated different from anyone else. If a police officer is believed to have committed perjury, charge them with perjury and prosecute them like everyone else. Frankly, treating the police worse than everyone else is offensive."

The governor's amendatory veto returned the entire reform package to lawmakers for consideration during their veto session scheduled to begin in November. Lawmakers could override his objection with a three-fifths majority vote or accept his changes to the bill with a simple majority vote. If they fail to do either, the bill dies.

Besides the civil perjury provision, the package sent to Blagojevich would give the Illinois Supreme Court authority to overturn death sentences it finds "fundamentally unjust," require hearings on the credibility of testimony from so-called jailhouse snitches and define mental retardation as having an IQ of 75 or lower. If lawmakers stick to the votes they cast this spring, there will be enough to override the governor. House members voted unanimously in favor of the measure, while all but three of the Senate's 59 members supported it.

Sen. John Cullerton, the Chicago Democratic sponsor, promises to lead the drive for an override. "The issue will be whether you're for the death penalty reforms or not," he says. "It's going to be an up or down vote."

The senator insists the civil perjury provision is essential to the bill. "There's a perception out there that the state's attorney, who prepares witnesses, including police officers, for testifying in homicide cases, is not inclined to indict a police officer for perjury very quickly if there's

evidence that the police officer lied."

The measure was drawn up in a climate of concern that this state might execute an innocent person. Since reinstating the death penalty in 1977, Illinois has executed 12 men. Another 13 men saw their murder convictions and death sentences vacated. Ryan, in the final days of his administration, pardoned four Death Row inmates who maintained their murder confessions were coerced by Chicago police and commuted the sentences of every remaining condemned inmate.

Blagojevich calls the reform package "an important first step to try and build trust and integrity into our criminal justice system." But he noted that if the law enforcement board determined a police officer had lied during testimony, a person convicted of murder could use that finding to challenge his or her conviction.

Ted Street, president of the Illinois State Lodge of the Fraternal Order of Police, which led opposition to the proposed civil perjury provision, suggests this would encourage numerous, though not necessarily well-founded complaints against police. "There's no question that in the appeal of a homicide conviction any good defense attorney is going to file, under this legislation, charges alleging police perjury," he says.

Cullerton responds that this claim, and the governor's general rationale for opposing the proposed civil hearings, are "flat out wrong." He accuses opponents of exaggerating the impact the provision would have.

"I don't doubt that every defendant convicted of homicide might file a complaint that the police officer was lying, but there has to be some evidence of that [to sustain the complaint]," he says. "If a police officer is decertified [under the measure], I guess the defense lawyer would want to go back to the trial judge and say, 'Judge, we've got some evidence here of perjury. Would you please consider granting a new trial or look into it?' But that doesn't happen automatically. This measure would be a rarity if it's ever utilized."

Aaron Chambers

PRESS BOX

The Associated Press reports that while a new federal law gives some Illinois parents the chance to move their children to better performing schools, in reality few might exercise that option this fall.

The federal law, dubbed No Child Left Behind, sets standards for schools based on annual test scores. Schools that fail to meet the standards two years running must give children the option of moving. The idea is to put pressure on schools that are underperforming. "Another possibility," AP Statehouse reporter Christopher Wills writes, is that "parents won't get a clear explanation of how the choice option works, few children will really be able to move and administrators will end up pumping lots of time and money into a program that makes little difference."

Wills outlines potential stumbling blocks. In Illinois, for instance, choice is limited to schools within a district. And some districts, he reports, have only one high school or junior high school. Some may have only one school, period. In addition, students can only switch to schools that have room for them. Chicago, which faces overcrowding, got federal permission to limit such moves. Beyond that, Wills writes, few parents end up taking their children out of familiar neighborhood schools.

Nevertheless, he notes, school officials must analyze test scores, notify parents and figure out which schools can take the students who do want to move.

The *Chicago Tribune* reports that property tax refunds to large businesses in Cook County have drained an estimated \$250 million from school coffers in the last

two years.

That newspaper's reporter, Tracy Dell'Angela, writes that such refunds escalated in 2001 and 2002 as an increasing number of commercial property owners, including Sears, Roebuck and Co. and Ameritech, won tax appeals from the Cook County courts and the state Property Tax Appeal Board. "While all taxing bodies are affected by refunds," Dell'Angela writes, "schools get hit disproportionately — not only because they receive at least half of the typical tax bill, but also because most depend heavily on property taxes and have little freedom to raise money in other ways."

Because the refunds are being approved after schools have already spent the tax dollars, financial planning has become difficult, and some financially fragile districts have been plunged deeper into debt.

UPDATES

- The Illinois Association of Aggregate Producers, which represents owners of quarries and gravel pits, sued the state over new fees on water discharge permits that Gov. Rod Blagojevich is counting on to help balance the state budget (see *Illinois Issues*, July/August, pages 9 and 34).
- Chicago opened an office to help mayors in the Great Lakes region coordinate environmental efforts to restore the lakes (see *Illinois Issues*, May 2002, page 35; July/August 1999, page 22; November 1998, page 26; and July/August 1998, page 22).
- Gov. Rod Blagojevich launched an initiative aimed at alleviating poverty in four economically depressed Illinois communities, including Pembroke Township and Cairo (see *Illinois Issues*, March, page 12).
- The Midwest High Speed Rail Coalition could be a player under President George W. Bush's plan to reorganize Amtrak by moving much of the decision-making on service and routes to the states and regions (see *Illinois Issues*, April 2002, pages 18 and 21).



They're in there.
Talking about something.
But sometimes, talking
isn't the problem.
It's understanding
that's difficult.

For in-depth discussion
and analysis of news at
the Statehouse and across
Illinois, turn to the public
affairs programming on
WSEC-TV, **LAWMAKERS**
with Mark McDonald and
CapitolView with Ben
Kinningham.

WSEC
springfield's pbs station
channels 14 & 8

Stay curious 

A show fit for a farmer

The Illinois State Fair, at both the Springfield and DuQuoin locations, is advertised as a showplace for the state's agriculture products. But there are a lot of distractions, from carnival rides to stage shows to horse races. So when farmers want to see new equipment, technology and products aimed just at them, they head for the Farm Progress Show.

The event runs from the 23rd to the 25th of this month in the small town of Henning in Vermilion County in east central Illinois, and 100,000 farmers are expected to stop by.

Nearly 400 exhibitors will display their products in a tent city on what just days earlier had been a hay field. Last spring, host farmers planted corn, soybeans, alfalfa and other crops to showcase commercial seed offerings. Visitors will be able to evaluate farm equipment as companies demonstrate their machines at work side-by-side in the field. And farmers will get the opportunity to field test new tractors, trucks, sprayers and combines.

The University of Illinois will put on several exhibits in partnership with Indiana's Purdue University. As part of that effort, the U of I will display one of the newest technological tools to come out of its engineering department: a mini helicopter designed to give farmers a bird's-eye view of their fields. With a camera mounted on the front, the remote-controlled, 4-foot by 3-foot helicopter can take color and infrared images that provide a much clearer picture of potential crop-destroying problems than current technology available from satellite or airplane mapping.



Harvesting operations are one part of Farm Progress Show's field demonstrations, which are held to show how the major manufacturers' combines perform under similar field conditions. Here farmers are watching the ground behind this Case IH combine to see if there are soybeans left unharvested.

Farm Progress is the largest farm show in the nation and serves as a model for agricultural events throughout the world. It's a show fit for a farmer. But with the addition of two country music concerts and an arts and crafts display, it only needs a carnival ride and a horse race to be a state fair.

This year marks the 50th anniversary of the first Farm Progress Show, and it will be held near the original Indiana border location.

For more information, go to www.farmprogressshow.com.

Beverly Scobell

REPORTS

Number of children without health insurance shrinks

The number of children who don't have health insurance has dropped dramatically in recent years, but nearly 8 million U.S. children still are not covered.

Between 1999 and 2002, the number of American children without health insurance declined by 1.8 million to 7.8 million, according to a recent report by The Urban Institute, a Washington, D.C.-based nonpartisan policy research organization.

The report was funded by the Princeton, N.Y.-based Robert Wood Johnson Foundation through its Covering Kids and Families Program.

The study estimates that more than 4 million of the children who lack health insurance are actually eligible for low-cost or free health insurance through Medicaid or the state Children's Health Insurance Program.

"While the gap in coverage between low- and higher-income children narrowed over this period, low-income children were still almost three times as likely as higher-income children to be uninsured. Nearly one in five children living in poverty lacked insurance coverage in 2002," the report states.

A guide to getting through the taxation maze

The League of Women Voters of Chicago has put together a 56-page booklet that attempts to explain in simple language the complicated world of taxation.

A Guide Through Chicago's Tax Maze, available for \$5 a copy (\$2 apiece for 10 or more) explains how property taxes are figured, the functions of taxing units of government and the connections among state, local and federal taxing bodies.

The booklet, now in its fourth edition, is available in Spanish as well.

Copies are available from: The League of Women Voters of Chicago, (312) 939-5935, www.lwvchicago.org.



BOOKSHELF

When Dan Anderson read a publication produced by the U.S. Department of Agriculture that profiled people practicing alternative methods of farming and not one Illinoisan was mentioned, he decided to tell this state's stories. In *A Different Field: Innovative Entrepreneurs in Illinois Farming*, Anderson, co-coordinator of the agroecology/sustainable agriculture program at the University of Illinois, has profiled 18 farmers who are growing everything from livestock to row crops to vegetables in all areas of the state. Each is trying new farming methods to sustain the land and stay in business. "There doesn't seem to be much optimism in agriculture these days," he says. "I think there are farmers out there who know they have to do something different to survive. This will be a book of real-life success stories showing farmers what is possible."

One such story is that of Dennis and JoAnn Dickman, who farm 440 acres of corn and soybeans southwest of Herscher in Kankakee County. They were conventional grain farmers with two outside jobs until a few years ago when they decided to raise a few chickens for their own use. They were already selling sweet corn when they began selling their pasture-raised chickens. They sold 500 the first year, 2,000 the next. The chickens, raised in movable, bottomless pens where they can eat seeds and bugs and get exercise and sunshine, have a flavor that has been lost with mass production. Now, even at \$2.39 a pound whole (\$2.99 cut up), the Dickmans will sell 4,000 chickens this year, in addition to pasture-raised turkeys and brown eggs. They also sell chicken bratwurst, chicken-apple sausage and an Amish friend's jams, jellies and noodles from their farm and at local farmers' markets — and they no longer need outside jobs.

The book, funded by the Illinois Department of Agriculture's Sustainable Agriculture Grant Program, will be available free to the public at the Farm Progress Show in Henning this month and on the Web at www.aces.uiuc.edu/lasap.

Beverly Scobell

DINO BONES

Prof finds new species

When Illinois paleontologist Paul Sereno pored through dinosaur bones collected by scientists in India two decades ago, he discovered a species that had yet to be identified. The University of Chicago scientist's 2001 find, made in collaboration with scientists from India and the University of Michigan, was announced mid-August.

Sereno and fellow scientists named the 30-foot, horned carnivore *Rajasaurus narmadensis*, meaning "regal dinosaur from the Narmada," the river in western India where the bones were found.

The *Rajasaurus* likely lived 65 million years ago as the predator of a plant-eating dinosaur whose bones also were found in the region, according to *National Geographic News*. That organization contends the find could help explain what caused the extinction of dinosaurs.

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A cop's prosecutor

Also called a prosecutor's prosecutor,
U.S. Attorney Patrick Fitzgerald takes
crime fighting personally

by Aaron Chambers

Photograph by Paul McGrath



U.S. Attorney Patrick Fitzgerald

The circumstances surrounding a meeting between U.S. Attorney Patrick Fitzgerald and Chicago police detectives in late 2001, shortly after Fitzgerald assumed his post, were extraordinary in two respects. The crime that inspired the meeting was, as murders sometimes are, downright bizarre. But it's not the nature of the crime that sticks in the mind of Terry Hillard, who retired last month as the Chicago Police Department's superintendent. It's that the meeting took

place at all.

The detectives, together with agents of the U.S. Secret Service, had investigated the supposed death of Joseph Kalady, a reputed scam artist who was facing federal charges for counterfeiting identification cards. When the investigators viewed the corpse, which was soon to be cremated, they discovered the body was nearly 300 pounds shy of Kalady's weight. The dead man weighed a mere 175 pounds; Kalady was morbidly obese at 450.

It turned out the body belonged to a vagrant from Kalady's neighborhood named William White. A few days later, the feds arrested Kalady in Massachusetts and charged him with murdering White and trying to pass White's body off as his own to avoid prosecution. In May, Kalady died in federal prison.

The police detectives had helped crack the murder case and prevent Kalady from fleeing. So, from Fitzgerald's perspective, a personal gesture in the

form of a visit was a natural move. "It was an unusual case and an unusual investigation," he says. "We just wanted to thank the people who were involved and participated in the investigation, and a number of them were out at the detective area."

But Hillard was moved by this unprecedented level of interest. "I had been on the job as superintendent for three years, on the command staff for about 14 years and on the Chicago Police Department for about 33 years, and I've never seen a U.S. attorney go out to a detective area and personally thank detectives for a job well done. It's unheard of."

Such praise for the U.S. attorney for the Northern District of Illinois is rare within Chicago's law enforcement community. Though tension is often the rule between those who investigate crime and those who prosecute it, Fitzgerald enjoys an uncommon relationship with investigative agencies and their foot soldiers. Special agents in charge of Chicago's field offices call him "a cop's prosecutor" and "a prosecutor's prosecutor." They credit him with injecting energy into the crime-fighting community, thereby increasing morale, even productivity, among their rank and file. Felony case filings, which were increasing before he arrived, have continued to do so, according to the federal court clerk's office. Drug cases rose to 226 in 2002 from 124 in 1999, for instance, while fraud cases rose to 198 in 2002 from 153 in 1999. In one such case, which Fitzgerald billed as one of the largest white-collar fraud prosecutions in the Chicago area, his office last month charged five executives with looting more than \$80 million from a trust company and a real estate title company.

Investigators also applaud Fitzgerald's intellectual acumen, a characteristic that is evident in his answers to a reporter's questions. He speaks quickly and intensely, occasionally colliding sentences in his efforts to articulate the full range of a thought.

This month, Fitzgerald marks two years as the top federal law enforcement official in northern Illinois, and in that time he has firmly established a

reputation as a no-holds-barred crime fighter. This is due to more than a close relationship with investigators.

He has continued to prosecute, with vigor, one of the largest public corruption investigations in the history of the state. The five-year federal Operation Safe Road investigation, which began as an examination of bribes paid in return for driver's licenses and ballooned into a full-scale corruption probe, has produced 57 convictions. Those prosecuted under Fitzgerald's watch include Scott Fawell, a top aide to former Gov. George Ryan, and Ryan's campaign committee.

And Fitzgerald has presided over a massive joint federal, state and local program designed to deter gun crime by subjecting gun-bearing felons to tough federal penalties. The U.S. attorney's office charged 170 gun cases against 375 defendants from May 1, 2002, through April 30, 2003, up from 83 gun cases against 129 defendants during the previous one-year period. Hillard credits Fitzgerald with spearheading this effort.

For that matter, Fitzgerald's fingerprints are said to be on all major criminal cases in the Northern District of Illinois. This region — one of three federal jurisdictions in Illinois — covers the state's 18 northern counties. As its chief federal law enforcement official, Fitzgerald directs the activities of more than 140 prosecutors in the Chicago and Rockford offices who handle federal offenses from white-collar fraud to narcotics trafficking to money laundering to cybercrime. He also helps coordinate the activities of local offices of the Federal Bureau of Investigation, the Drug Enforcement Administration, the Bureau of Alcohol, Tobacco, Firearms and Explosives, the Internal Revenue Service, the U.S. Postal Inspection Service and other federal investigative agencies.

"He doesn't shuck the issues no matter what they are: police corruption, political corruption, terrorism, drug dealing, guns," Hillard says. "He is a hands-on individual, and I think he's reinvigorated not only his staff but a lot of other agencies in law enforcement in this city and across the Northern District of Illinois."

Fitzgerald is fully engaged in his work. As he puts it, he takes crime personally, and he sees himself as responsible for eradicating it. No matter that Fitzgerald is a New York native and the crime at issue is in Illinois.

"Once you find out there's a crime going on, and you recognize it's in your jurisdiction, and you have a sense that either you do something about it or nothing gets done about it, then you have to take it personally," he says.

"When there's crime going on involving corruption or violence, or certainly terrorism, and it's affecting people's lives, you feel like it's your job, together with others in the law enforcement agencies, to stop it."

Fitzgerald's parents met in New York after emigrating from Ireland's County Clare, just south of Galway on the country's west coast. Fitzgerald, along with his brother and two sisters, was raised Catholic in Brooklyn. He attended parochial schools, including Regis High School, where he was awarded a full scholarship. He then paid his way through Amherst College, a liberal arts school in Massachusetts, with money earned from on-campus jobs during the school year. Summers, he worked as a janitor and a doorman — a job his dad also held. He graduated Phi Beta Kappa with a degree in math and economics in 1982. He earned his law degree three years later at Harvard, where he taught economics.

Fitzgerald then spent three years in private practice doing civil litigation at a New York law firm. In 1988, he achieved his dream of becoming a federal prosecutor — a goal he formulated in law school during an internship at the U.S. attorney's office in Massachusetts. He joined the famed U.S. Attorney's Office for the Southern District of New York. The Manhattan-based office is thought by some in federal law enforcement to churn out the best federal prosecutors in the country.

During 13 years in that office, Fitzgerald met, and perhaps raised, that standard. He solidified a reputation as brilliant in his ability to organize and process reams of detail in complex criminal cases and as exceptionally hard working — he routinely worked

through the night to prepare for trial and showered just before walking into court.

Fitzgerald cut his teeth prosecuting some of the world's toughest, most sophisticated criminals. He began by handling drug trafficking cases and prosecuting major heroin smuggling rings, and went on to serve a stint as chief of the narcotics unit. He also headed the organized crime/anti-terrorism unit.

In 1993, he and then-Assistant U.S. Attorney James Comey prosecuted John Gambino, a capo of the Gambino crime family — the organization controlled by John Gotti in the late 1980s — and three other members of the family. The defendants were charged with murder, racketeering, gambling, narcotics trafficking, loan-sharking and bid-rigging. But, in a career upset for Fitzgerald, the jury deadlocked and the judge declared a mistrial. Later, the defendants pleaded guilty in exchange for 15-year sentences.

Fitzgerald then segued to the fight against terrorism, a cause that continues to define his career.

In 1995, he helped prosecute a blind Egyptian cleric named Sheik Omar Abdel-Rahman and nine others accused in a broad conspiracy involving the 1993 World Trade Center bombing, which killed six people, and a plot to detonate New York bridges, tunnels and other landmarks. The feds convicted the sheik, who is serving a life sentence, and his co-defendants.

In 1996, Fitzgerald supervised the prosecution and conviction of three people charged with plotting to bomb 12 American airliners flying out of Asia.

In 1998, three years before the September 11 terrorist attacks, Fitzgerald's unit indicted Osama bin Laden and 22 others in connection with the bombings of two American embassies in Africa that killed more than 200 people. Fitzgerald was chief counsel in the prosecution. Four men were convicted and sentenced to life in prison.

Fitzgerald still keeps a keen eye on suspected terrorist activity, and is regarded as a top national authority on the subject. In the wake of September 11, the Justice Department tapped his

insight — though Fitzgerald, in typical modest fashion, plays down his role. He says people in this country failed to appreciate the terrorist threat in the years leading up to the attacks, and they risk doing so again. "The world changed forever for us when that happened. However, I think there's a lot of people, for better or for worse, who would like to put that behind them. And if they go a few years without [any attacks], they may write it off as a one-time thing that's over with. That may be good psychologically for people to deal with it, but a little bit risky. I think we've always been sort of in denial as to the risks." He says the sophistication and long-range planning of terrorist organizations such as al Qaeda should not be underestimated.

Law enforcement officials in Illinois consider Fitzgerald's experience an asset should they need to respond to terrorist activity here. And Fitzgerald pledges to be personally involved in any terrorism-related investigation in the Northern District. He says it's imperative to move quickly with cases against suspected terrorists, given the potentially devastating nature of their crimes, and that it's prudent for him to apply his knowledge and understanding.

He demonstrated this commitment in a case that transpired over the past year, personally prosecuting Enaam Arnaout, director of a Palos Hills-based Muslim charity, for conspiring to support terrorists. But while Fitzgerald won a conviction against Arnaout, he failed to tie Arnaout to al Qaeda.

Fitzgerald's office accused Arnaout, a Syrian-born U.S. citizen, with steering charitable donations to al Qaeda and Muslim militia in Chechnya and Bosnia. The feds made a media event of the indictment announcement last October; U.S. Attorney General John Ashcroft appeared with Fitzgerald at the press conference.

Arnaout pleaded guilty to racketeering and admitted to defrauding donors, who thought the money went to humanitarian causes, by sending some to the Bosnian and Chechnyan military units. But the feds dropped charges related to support for terrorist groups in exchange for the guilty plea and Arnaout's promise to cooperate with their

investigation.

Prosecutors subsequently blasted his assistance as inadequate, and sought to lengthen his sentence under guidelines requiring tougher prison terms for those convicted of specific terrorism offenses. Arnaout's crime — conspiracy to commit racketeering — was not on the list. But the feds argued the guidelines applied because they refer to felonies that involve, or are intended to promote, a federal crime of terrorism.

U.S. District Judge Suzanne Conlon disagreed; she ruled the law applies only to enumerated offenses. She also noted that in the plea agreement, the government agreed to dismiss what she labeled "sensational and highly publicized" charges of supporting terrorists and terrorist organizations. "Arnaout does not stand convicted of a terrorism offense," she wrote in her opinion. "Nor does the record reflect that he attempted, participated in, or conspired to commit any act of terrorism."

Fitzgerald's office issued a short statement that the government disagreed with the court's ruling. Arnaout was scheduled to be sentenced late last month.

It's not unusual for aggressive prosecutors to be called, typically by criminal defense attorneys, "overzealous." Fitzgerald is no exception. Defense attorneys in Illinois, as well as New York, have said just that.

His handling of one case in particular reinforces his image as a prosecutor who refuses to handle Chicago's elite with kid gloves. Federal agents detained Michael Segal, an insurance mogul with vast connections to Illinois' political establishment, at a prominent hotel over a weekend in January 2002. One of Fitzgerald's lieutenants interrogated Segal, and FBI agents arrested him.

In what appears to be part of a wide-ranging examination of political activities in Cook County, Fitzgerald's office charged Segal with racketeering in connection with a key account at his firm, Near North Insurance Brokerage. Segal allegedly looted more than \$20 million in funds. He is fighting the charges.

Fitzgerald says that while the law requires prosecutors to be fair, it does not prevent them from being zealous. "Within the rules of fairness — disclosing what we have, being honest and only going after those we believe are guilty — we should be zealous," he says. "We should stand up and fight just as hard for our client, which is the citizens of the United States, as someone who represents a particular defendant. We can be zealous and we can be fair, and I think we should do both."

Fitzgerald often is labeled an outsider, too. He hails from New York and had no apparent connections to Illinois' legal or political establishments. But the nature of that independence is the most controversial aspect of his tenure; it provokes a continuing debate on whether previous U.S. attorneys were subject to influence from the Illinois power brokers.

U.S. Sen. Peter Fitzgerald, who is not related to the U.S. attorney, says that when he searched for somebody to fill the post, he simply wanted the best federal prosecutor in the country. He says he called then-FBI Director Louis Freeh and asked for the name of the best assistant U.S. attorney in the country. Freeh, he says, identified Patrick Fitzgerald of the Southern District of New York. The senator says he then called Mary Jo White, who was U.S. attorney in that district, and asked her for the name of her best assistant. She also identified Patrick Fitzgerald.

Tradition dictates that the state's senior U.S. senator of the president's party is responsible for recommending to the president someone to serve as U.S. attorney. The president then forwards his nomination to the Senate for confirmation. This task fell to Sen. Fitzgerald, an Inverness Republican, when George W. Bush won the White House. (It's not clear how the recommendation process would work if Bush wins re-election, and Fitzgerald, who is leaving the Senate, is replaced by a Democrat. Illinois' other U.S. senator, Dick Durbin, is a Democrat.)

But tradition also dictates that the job of U.S. attorney for the Northern District of Illinois be filled by somebody with Illinois roots. In fact, Patrick

Photograph courtesy of Patrick Fitzgerald



Patrick Fitzgerald (far right) is pictured here as an assistant U.S. attorney in Manhattan with the team that joined him in prosecuting New York's Gambino crime family. The photograph was taken in 1993. From the left are prosecutors Rich Zabel and James Conney, and paralegal Avril Fugger. "I was very happy at that moment, but you'd never tell from that picture," Fitzgerald says. "There are two ways to identify me in a picture: My tie is always askew and I'm always not smiling. If you ever see me smiling in a photograph, and my tie is perfectly straight, shoot me because then I'm an imposter."

Fitzgerald appears to be the first "outsider" to serve in more than a century. Francis Even, a Chicago attorney and president of the Northern District of Illinois Court Historical Association, knows of only one other attorney "not firmly connected to Illinois" to hold the post: Henry Fitch, the son of an Indiana senator, served from 1858 to 1861.

Sen. Fitzgerald, who has defined his own career by conflict with Illinois political regulars, abandoned this tradition. "There were plenty of fine applicants from Illinois," he says, "but none of them were even close to Patrick Fitzgerald in credentials and capabilities."

While the senator insists his first priority was finding a top-notch prosecutor, he emphasizes his satisfaction with Patrick Fitzgerald's independence from Illinois. "It would be very difficult for any lawyer who is from the city to have absolutely no political connections of any kind to either party."

The view that Illinois is better served by an outsider as U.S. attorney has long been promoted by the editorial page of the *Chicago Tribune*, and by the newspaper's lead columnist, John

Kass. An editorial, during the 2001 selection process urged Sen. Fitzgerald "not to choose a current Republican officeholder or a politically connected lawyer from a big-name Chicago firm for the job." Kass accused Scott Lassar, Fitzgerald's immediate predecessor, of being cozy with, and going easy on, public officials.

As for his choice, the senator says, "I sleep well at night knowing that no one from either party is going to be able to influence Patrick Fitzgerald, that he is approaching his job objectively and without partisanship."

Fitzgerald's friend James Conney, now U.S. attorney for the Southern District of New York, attributes that to Fitzgerald's "apolitical" disposition. "Pat Fitzgerald is not a guy who thinks in terms of Republicans or Democrats, who's in power or out of power," he says. "He thinks in terms good guys and bad guys."

Fitzgerald also does not appear to be interested in elective office, though there is precedent for using the U.S. attorney's office as a springboard. Jim Thompson won the Executive Mansion as a Republican after serving

there in the early 1970s. Jim Burns, who served in the 1990s, ran for governor as a Democrat but lost in the primary.

"I know for a fact he has no interest in elective office and doesn't care what people think about him in that sense," Comey says of Fitzgerald. "He cares that people think that he's fair and honest and hard working. But there's no nest he's trying to feather for the next stage in his life."

In any case, Fitzgerald and some of his predecessors dispute the notion that the U.S. attorney's office was less than independent in pre-Fitzgerald days. Lassar, now a partner at the Chicago law firm of Sidley, Austin, Brown & Wood, calls the idea "silly." He notes the Northern District of Illinois leads the nation in successful political corruption prosecutions and says, "We're not the leader because we've been under political influence." According to Justice Department data, the district produced 570 such convictions from 1992 to 2001. The runners up were the Los Angeles-based Central District of California with 551, the Miami-based Southern District of Florida with 478, the District of Columbia with 390 and the Southern District of New York with 356.

Burns, now inspector general at the Illinois secretary of state's office, accuses the senator and the media of creating the idea that the Northern District was not independent under previous U.S. attorneys. "[Peter Fitzgerald] made a big deal about going outside and picking somebody from New York. The implication was there and the media ran with it."

And Thompson, chair of the Chicago law firm Winston & Strawn, says, "No political bosses tell [Fitzgerald] what to do, but no political bosses ever told us what to do. You don't have to denigrate prior U.S. attorneys in order to compliment Pat."

The current U.S. attorney also defends the office's historical independence. "No one here has a political ax to grind, or could have one, because no one's going to play that game. People come here to work hard and make good cases." Yet, Fitzgerald says, the view that independence has arrived can work to the government's advantage.



Patrick Fitzgerald takes the oath of office.

"If the perception is that bringing an outsider in validates the office, then it's a positive effect, I guess, that people come here saying, 'Now we can trust the place because there's an outsider.'"

Fitzgerald was astounded at the extent of public corruption in Illinois when he arrived in Chicago. Over the past three decades, federal prosecutors in the Northern District have unwound a string of scams through such investigations as the judicial corruption probe Operation Greylord.

"When you look at the amount of corruption that's been uncovered, it does indicate there's a serious problem in Illinois," he says. As he and other law enforcement officials note, though, public corruption rates are driven by effective investigation and prosecution.

More to the point, Fitzgerald is disturbed by the posture taken by Scott Fawell, George Ryan's former aide, and Ryan's political committee that corruption is just business as usual. "What struck me about Illinois is [that] people who get charged with corruption seem to blame some sort of culture, whether it's there or not or whether it's a false excuse," he says. "People try to perpetuate the notion that everyone's doing

it, [and] that's the way to do it here.

"I think this whole culture of 'that's the way it is here' is something we shouldn't accept. The notion that people can walk into court with a straight face and say, 'It's okay. That's the way it's done,' is something that we just can't accept. I think the jury in the Fawell case didn't, and we've just got to keep being aggressive in attacking it."

Ed Genson and Thomas Breen, who represented Fawell and the campaign fund, respectively, did not return phone calls for comment about their defense strategies.

Fitzgerald says the perception of change was buttressed by the guilty verdicts against Fawell, the highest ranking official charged as part of Operation Safe Road, and the Citizens for Ryan campaign committee. And, as Fitzgerald sees it, that change has effected a change in attitude within the state's political culture.

Fawell and the campaign committee were indicted a few months after Fitzgerald arrived and were found guilty in March on all counts of a racketeering conspiracy stemming from the eight years Ryan spent as secretary of state. Fawell, who served as Ryan's chief of staff in the secretary

of state's office and managed Ryan's 1998 gubernatorial campaign, was sentenced to six and a half years in prison. Ryan has not been charged with wrongdoing.

Though Fitzgerald won't elaborate, he says his office has seen "people coming forward to report things that they wouldn't have reported before because now there's the sense that people have woken up to that verdict and said, 'Okay, maybe someone will do something about it now.'"

In addition, Fitzgerald points to the General Assembly's passage this spring of ethics legislation as evidence of the public's will for change. (Gov. Rod Blagojevich pledged to return the bill to lawmakers, saying he wants to establish an inspector general who will police the entire executive branch and to tighten rules governing gifts to elected officials from lobbyists.)

Fitzgerald's tenure has produced indictments of other members of Ryan's inner circle, as well. Roger Stanley, a GOP political consultant and former state lawmaker, pleaded guilty in May to a mail fraud scheme. He admitted making payoffs to former Metra board member Donald Udstuen in return for contracts with the commuter rail service. Udstuen, a top Republican strategist and former chief lobbyist for the Illinois State Medical Society, was not charged with taking the money. But he has admitted doing so and pleaded guilty to other charges related to his role in a scheme to steer secretary of state contracts to associates. Udstuen was indicted along with Alan Drazek, a former Chicago Transit Authority board member, and Lawrence Warner on charges that Warner, a longtime Ryan friend, used his influence to fix millions of dollars worth of secretary of state contracts and leases, and shared some of the proceeds with Drazek and Udstuen.

Drazek pleaded guilty to tax conspiracy. Stanley, Udstuen and Drazek agreed to cooperate with the government. Warner pleaded not guilty and is scheduled for trial next month.

Fitzgerald is often regarded as the champion of Safe Road. It should be noted, though, that the investigation originated under Lassar and was well

under way before Fitzgerald arrived at his post. "A lot of those matters had become a fairly mature situation," says Assistant U.S. Attorney Patrick Collins, Safe Road's lead prosecutor, of indictments that came down under Fitzgerald. "So it wasn't like Pat walked in the door and we started investigating because we hadn't been investigating."

Collins credits both Fitzgerald and Lassar with supporting the investigation, and counters accusations that Lassar dragged his feet. "I always cringe a little bit when I read these editorials that say Scott's a bum and Pat's a great guy. Pat is a great guy, but so is Scott."

A 42-year-old bachelor, Fitzgerald is uncomfortable discussing his personal life. While he answers questions about work in rapid-fire succession, often telling colorful stories to illustrate his points, he won't reveal much about his personal life beyond his allegiance to the New York Mets — sticking with his National League loyalty, he prefers the Cubs over the White Sox — and his youthful pastime of playing rugby. Specifically, he won't discuss whether there's a significant other in his life. "I keep my personal life personal and I've always been that way, even when I was a line prosecutor. I do have a personal life, but I keep that from work."

His friend Comey says that while Fitzgerald loves his work, and for years has had "no life," he would one day like to strike a different balance between work and personal affairs. "I happen to know he's somebody that loves kids, and would like to get married and have a family." Comey also says Fitzgerald spent "enormous time" caring for his elderly parents before they died. He says if Fitzgerald's parents had been alive when he was summoned for the job of U.S. attorney, "I don't think Pat would have considered going to Chicago."

While Fitzgerald clearly is uncomfortable with self-promotion, there's a practical concern that limits his comment on personal matters: He has put mobsters, terrorists and, most recently, corrupt public officials behind bars. Comey has said the planet is full of people who would like to see him

dead. Fitzgerald won't even say where he resides.

When Phil Ponce of the public affairs television show *Chicago Tonight* pressed Fitzgerald last year about precautions he takes to ensure his personal safety, Fitzgerald responded, "The main precaution I take is I don't discuss my precautions. But I can tell you this much: Whatever concern people have, I'm not concerned, and it will never affect the way I do my job. You just do your job the way you have to do it. Police officers and other people put their lives at risk."

"I'm frightened [for] the people who wash windows. I look up and say, 'I can't believe those people do their job.' So, I'm comfortable with mine."

It's hard to imagine Fitzgerald has much time for a personal life, what with his habit of working into the night and on weekends.

Tom Kneir, special agent in charge of the Chicago office of the FBI, tells a story that's typical of those shared by special agents in charge of federal investigative agencies in the city. He says that once, when he and Fitzgerald went for dinner at a downtown restaurant near their offices in the Dirksen Federal Building, they stood mingling after taking in the buffet. "I finally said, 'Look, it's 8 o'clock, I've got a little bit of a commute and I need to get out of here. And tomorrow's going to be another busy day.' He said, 'Yeah, I need to get out of here, too. I need to get back to the office.'"

Calling Fitzgerald hands-on, Kneir says, is an understatement. "If I need him on a Saturday morning, my first call would probably be to his office."

As for Fitzgerald's next career move, the most popular assumption is that he's bound for a top job in the U.S. Justice Department — which has given him its most prestigious awards — perhaps even as attorney general.

Fitzgerald says he's not contemplating his next move. He's too busy living the life of a federal prosecutor.

"It's the greatest job that I've ever had, obviously. And it's the greatest job I'd ever hoped to have," he says. "When the show ends, I'll be very disappointed. But I'll figure out what to do then, then." □

Photograph by Lyle Kruger, courtesy of the Federal Highway Administration's National Scenic Byways Program



This stone arch bridge west of Marshall was built in 1828 using limestone quarried in Indiana and brought down the Wabash River by barge. Oxen pulled the stone by wagon to the east central Illinois site. The stone, cut to fit, is held in place without mortar.

Over troubled bridges

Congress is gearing up to rewrite the nation's transportation plan. How will Illinois fare?

by Kurt Erickson

When Illinois officials list their goals for the next federal highway bill, their top two priorities are these: Boost Illinois' share of road dollars and bring bucks home for a new interstate bridge over the Mississippi River to St. Louis.

The proposed new span, in the works for more than a decade, would shoot traffic on Interstate 70 over the river at East St. Louis, easing congestion on the often-clogged Poplar Street Bridge to the south that carries three interstates between Illinois and Missouri.

Touted as a project of national significance, the proposed bridge would be the fifth-longest cable-stayed span in the world.

Illinois will find out in the coming months whether it gets its wish when Congress gets down to business on a new highway funding bill. Meanwhile, state transportation officials are ratcheting up lobbying efforts as the current six-year federal highway program nears its September 30 expiration.

But while attention is on securing an eye-popping \$1 billion for the new span and consequent rerouting of interstates, a recent study indicates Illinois may be pushing for the money at the expense of many of the state's lower-profile bridges. According to the Federal Highway Administration, data from 2002 shows that Illinois had 4,648 "deficient" bridges. Of those, 721 are considered under

the domain of the federal and state governments, while the rest are under the jurisdiction of local governments.

More than 300 of the 721 nonlocal bridges are considered structurally deficient, which means they are restricted to lighter vehicles, require immediate rehabilitation to remain open or have been closed. The federal definition is so tightly drawn that even a pothole, where water can collect and deteriorate part of the structure, can put a bridge on the deficient list.

The remaining 417 are classified as not having the capacity to support the roads they serve. Many of these so-called functionally obsolete bridges are in suburban Chicago, where traffic growth has outpaced construction of bigger and wider roads and bridges.

Bridges on the deficient list, though, are scattered throughout the state. For example, in the upcoming year, the Illinois Department of Transportation expects to rehabilitate three bridges that carry local traffic over a section of Interstate 57 on Chicago's Southwest Side. In central Illinois, the agency wants to replace the Illinois 23 bridge that crosses the Vermilion River northwest of Pontiac near Cornell.

Yet, despite hundreds of deficient bridges, Illinois plans on repairing or replacing 21 percent fewer bridges in this fiscal year than the number targeted last year.

The state transportation department road plan calls for spending \$1.7 billion on road, bridge and mass transit projects, which is \$600 million less than was spent in the previous two years. In that budget is money to replace or repair 246 bridges, down from 313 last year.

"If you take a \$600 million hit, you can't do as much," says Dick Smith, director of the Office of Planning and Programming for the transportation department.

The plan to reduce bridge work in Illinois comes in the wake of a study released in January by the Washington, D.C.-based not-for-profit Surface Transportation Policy Project, which found that states have routinely underfunded bridge safety problems.

"Even though over 80,000 bridges are still dangerously unsafe, bridge repair remains a low priority in many states and billions of dollars in bridge program funding has been diverted to other uses," noted the study, which was funded by a number of charitable organizations, including the Robert Wood Johnson Foundation, the Joyce Foundation and the MacArthur Foundation.

Under the federal highway funding program, states receive a lump sum of cash to be spent on traditional road building and bridge repair. In addition, a separate line-item allocates federal dollars for specific bridge projects.

According to the study, Illinois was

The state's transportation agency took a cautious approach when designing this year's state road budget. Illinois Transportation Secretary Tim Martin projected the state will get \$3.6 billion in federal aid, which is the same amount it received in the prior fiscal year.

among the states that took advantage of a loophole allowing governments to use funds designated for bridge repair projects for traditional road building, while still receiving money for specific bridge projects. The study noted, "This shift in funding dollars violates the intent and spirit of the original legislation, which was to allocate bridge funding based on where it was most needed."

A check of the state's five-year road plan shows several bridges the Illinois transportation agency says need to be replaced or repaired but won't be worked on this year. Among those are bridges that have been on that list for several years.

In Chicago, for instance, the bridge carrying Cicero Avenue over the north branch of the Chicago River has been on the agency's wish list for four years. In DeKalb, the Illinois 38 bridge over the south branch of the Kishwaukee River has been targeted for replacement for six years. Near Greenup in Cumberland County, the U.S. 40 bridge over Range Creek has been on the list for replacement for five years. But work on the span, estimated to cost \$1.2 million, is not scheduled for at least another year.

Smith says motorists should not be fearful, though the state is cutting back on bridge work this fiscal year. "Even if we cut the number of bridges we do in a year, we are not going to have unsafe bridges on our system," he says. "Certainly there are bridges that are in need of repair and those are bridges that we program in the current year to take care of. We do not go out and not fix unsafe bridges. We take care of those in Illinois."

The state's transportation agency took a cautious approach when designing this year's state road budget. Illinois Transportation Secretary Tim Martin projected the state will receive \$3.6 billion in federal aid over the next five years. But Illinois is presenting a case that it should get a larger slice of federal highway funding.

Congress is poised to begin hammering out the details of a multiyear highway transportation

package. As the current plan nears expiration this month, Martin and Gov. Rod Blagojevich are urging Congress to boost the state's return on road dollars from its current rate of about 93 cents for every dollar sent to the federal government. "That has to change," the governor said in May.

In testimony to a congressional subcommittee on the new transportation bill this spring, Martin kicked off lobbying efforts by noting that the state ranks third in total highway miles, seventh in miles traveled by vehicles and fifth in total population, but only eighth in federal highway funding.

The Blagojevich Administration sought out a top aide of U.S. Rep. William Lipinski, a Chicago Democrat who is the ranking minority member on the U.S. House Transportation Committee's Highways, Transit and Pipelines Subcommittee. Now, instead of fielding questions from states about highway projects as his chief of staff, Colleen Corr is pitching Illinois' needs to Congress as a Washington, D.C.-based assistant to Martin for policy and federal affairs.

Meanwhile, business and government officials also are trying to take advantage of Illinois' status as the home of U.S. House Speaker Dennis Hastert and key members of the transportation and appropriations committees by forming a coalition aimed at boosting the state's rate of return. "What we have really tried to do, rather than fight with transit and upstate and downstate, is not get hung up on specific projects," says Jennifer Krug, spokeswoman for the Illinois Road and Transportation Builders Association.

Whether the strategy works may not be clear until next spring because an impasse between Congress and the White House threatens to delay action until then. Also unclear is just how much money is up for grabs.

President George W. Bush's administration seeks to boost highway and mass transit funding 13 percent to \$247 billion over the next six years. House Transportation Committee Chairman Don Young, an Alaska



The new State Street bridge over the Kishwaukee River in Belvidere is a near-duplicate of the original, which was built in 1929.

Republican, instead favors a \$375 billion, six-year program and has discussed hiking the gasoline tax as a way to fund the increase, but President Bush and Republican leaders have balked at that idea.

The House Ways and Means Committee has begun running numbers to find out whether a \$325 billion package could be cobbled together using a combination of bonds and accounting maneuvers, rather than raising the gas tax, says Mike Stokke, a chief aide to Hastert.

Yet even if Congress does approve a \$300-billion-plus highway package, there is concern that cash-strapped Illinois will not be able to provide the matching dollars to take advantage of the funds.

The state transportation agency could be back before the General Assembly in the spring asking for some kind of tax hike to help capture

all the federal money, Smith says.

In recent years, Illinois has been able to match federal outlays because of the largesse from the \$12 billion Illinois First program, but that five-year program, instituted during former Gov. George Ryan's first year in office, expires at the end of this fiscal year.

"Probably a user fee increase would be considered in that mix to get the state funding for an increase in the federal program of this magnitude," says Smith. "We may not have the money in hand today to match all of it. But I think the commitment on the part of the state would be to get those kind of resources."

Resources, in one form or another, are what it's going to take to shrink the list of Illinois' deficient bridges. □

Kurt Erickson is the Statehouse bureau chief for The Pantagraph of Bloomington.

Home work

Business is deciding it's good policy to help employees buy their own homes

by Maura Webber

Illustration by Kathleen Riley

Even as mortgage rates fell, Kerry Jantzen gave little thought to buying his own home. That was before he learned that his employer, Chicago-based Bank One, where he had worked for more than seven years, was offering \$2,500 plus the cash to cover the taxes on that gift as a way to help its workers buy homes.

The offer was too good to pass up. Last year, Jantzen used his employer's grant, along with about \$2,500 of his own savings, to trade in his white-walled rental for a one-bedroom condominium in Chicago's Gold Coast neighborhood. Ownership freed him to personalize his living space for the first time; he painted the condo's walls various shades of the sunset. Jantzen, now living 14 blocks from his office, says he feels more secure about his home and his work life.

"It shows you that [an employer is] willing to make a little more investment in you," says Jantzen, who has lowered his monthly housing payment by \$100 thanks to the move. "It's a good feeling."

Bank One, which extends its nearly two-year-old program nationwide, is

one of a growing number of Illinois-based companies that have rolled out employer-assisted housing offers in recent years. And housing advocates say this increased interest is thanks in part to a new statewide tax-credit incentive. In 2001, then-Gov. George Ryan signed legislation that set aside \$2 million annually to reimburse employers 50 cents for each dollar of housing assistance they provide. That same year, the state agreed to match up to \$5,000 of employers' assistance provided through programs affiliated with certain northeastern Illinois housing advocacy groups.

"It's very impressive that Illinois has been a leader in this," says Beth Marcus, a director at the national community lending center of the Washington, D.C.-based housing lender Fannie Mae. That company, which has extended an employer-assisted housing benefit to some 3,000 of its own employees since 1991, also launched an initiative in 2000 to help employers throughout the nation establish the housing benefit. Fannie Mae has worked with more than 500 employers so far and aims to reach out to 1,000 by

2010, Marcus says. She says interest is on the rise nationwide, despite high unemployment, because employers see the program as more than a recruitment tool.

Of course, employer-assisted housing is not a wholly new concept. Many universities, including the University of Chicago and Loyola University in Illinois, and some hospitals historically have used housing assistance to attract employees, says Samantha DeKoven, a housing associate at the Metropolitan Planning Council in Chicago, which has been instrumental in encouraging northeastern Illinois employers to participate. But there's now a greater range of employers getting involved, says DeKoven. These include Bank One, Medela Inc., the breastpump manufacturer in McHenry, such health care organizations as Advocate Bethany Hospital on Chicago's West Side and municipalities such as suburban Riverdale and Rock Island.

"The tax credit has really moved the whole discussion about employer assisted housing forward in a big way," says DeKoven, whose group promotes planning and development



policies. "There's a whole range of companies that have started to see that housing is really an issue. And with these incentives, they're seeing an opportunity to do something that is not cost prohibitive."

Such programs vary greatly in design. Some use employer grants with few restrictions that never need to be paid back. Others use so-called forgivable loans, which are either erased from the books in five years or paid back if the worker leaves the company earlier. Typically there are

income limits, which govern who is eligible. And such programs are not usually targeted at executives. Most are designed to encourage workers to live near work, strengthen communities, increase employee retention and reduce absenteeism.

"It's more of a retention tool," says Dick Braun, director of human resources at System Sensor in St. Charles, a division of Honeywell, which has helped 38 employees buy homes since 1999. "If someone was looking at the fact that the company helped them buy a house, it makes

them think twice about leaving."

The Metropolitan Planning Council, a policy and advocacy group led by business and civic leaders in the Chicago region, used System Sensor as a model when it approached state officials with the suggestion that they find a way to leverage the private sector investment, DeKoven says.

Under System Sensor's program, Braun says, recipients receive up to \$5,000 in a forgivable loan to buy homes within a 15-mile radius of the plant. The workers' household income must be at or below the

Still, the future growth of employer-assisted housing is uncertain, given the difficult economy, which has left some employers struggling to maintain existing benefits and leery of adding new ones.

median for the area, as defined by the U.S. Department of Housing and Urban Development. In St. Charles that amounts to about \$74,500 for a family of four.

The initiative has worked, Braun says, because System Sensor outsourced much of the administrative work to Joseph Corporation, a community-based nonprofit in Aurora that focuses on home ownership, lending and real estate development in Kane County. Joseph Corporation provides home-buying counseling and helps workers get prepared for closing on the home.

One of the more creative projects to develop out of the state initiative is Live & Work Rock Island. The Rock Island Economic Growth Corp. raised \$500,000 in private donations and then leveraged that for \$250,000 in state tax credits. The economic development group then sold the tax credits, says Kristi Ramirez, that group's housing director. It expects to provide about 35 employees of various Rock Island-area employers with down payments of up to 5 percent of the purchase price of a house minus \$500 from the qualified buyer. It also will provide up to \$2,000 for closing costs and one year of homeowner's insurance.

Still, the future growth of employer-assisted housing is uncertain, given the difficult economy, which has left some employers struggling to maintain existing benefits and leery of adding new ones.

Julie Biel Claussen, executive director of the Corporation for Affordable Homes of McHenry County, which has successfully worked with two employers to set up programs, says one interested company backed off once it appeared it might have to lay off workers.

"They were concerned that employees would say, 'What's going on here? You're throwing money at this at the same time you're laying people off,'" Claussen says.

At the same time, there's only a few years left to prove there's enough demand for the tax credit. Charlotte Flickinger, director of tax credits at

the Illinois Housing Development Authority, says the agency approved applications to use \$60,800 in tax credits to fund the purchase of about 30 homes in fiscal year 2002. That number rose to \$225,000 in tax credits for 35 homes in fiscal year 2003, but requests are running far below the available funds. And the initiative is scheduled to sunset in just three years.

"I'm really hoping that by the time we get to the end of this pilot period we're able to show the General Assembly that we're oversubscribing the program," Flickinger says. "It's great the state stepped up, but we've got to keep it."

Legislators who support the concept are hopeful that it will catch on. Illinois Rep. Julie Hamos, chair of the committee on housing and urban development, views the tax credit as an essential budget item, even in the state's current fiscal crisis. The program is a smart way to promote economic development, the Evanston Democrat says, because it helps employers who can't find workers who are able to afford housing near their jobs. But it may take some time for employers to realize the advantages, she says. "This is still a novel idea."

Employees, too, may need some time to get up to speed.

Marco Leone, a 23-year-old public works employee for the city of Rock Island, heard about Live & Work Rock Island nearly two months ago and was quick to apply, but says the idea of the extra paperwork intimidates some of his colleagues.

Leone's fast action has paid off; he plans to close in September on a \$78,000 two-bedroom bungalow in the kind of family neighborhood that might otherwise have been out of his price range.

Leone's advice to fellow eligible employees: "Ask a lot of questions, but don't be afraid to apply." □

Maura Webber is a Chicago-based business writer who contributes regularly to the magazine. She co-authored Getting an Investing Game Plan, a personal finance book published this spring by John Wiley & Sons Inc.

Radical move

The Bush Administration wants to shift responsibility for the nation's most common housing subsidies to the states

by Dori Meinert

Illustration by Kathleen Riley



As a single mother with two kids, Carma Kimber thought her life was tough. When she became pregnant a third time, it got a lot tougher. But with federal housing aid, the 28-year-old Peoria woman has been able to go

to college, which gives her a shot at a better-paying job.

"I'd rather struggle for a short period of time and come out with something really amazing than just continue to struggle with no ending," says Kimber,

who is studying full time to become a registered nurse while working 10 hours a week on the campus of Illinois Central College.

With her income and household size, Kimber is eligible to get all of her rent

Because the plan would require states to serve the same number of people no matter how much money they get — current voucher holders would be grandfathered in — they will be encouraged to find ways to stretch the dollars.

paid through the federal Section 8 program. And because she is part of a family self-sufficiency initiative, the federal government puts additional dollars into an escrow account for her so that, after five years, she will have something for a down payment on a home.

Housing advocates fear, though, that fewer women like Kimber will get this kind of leg up if Congress approves a proposal by President George W. Bush's administration to replace the popular Section 8 housing vouchers with block grants to the states.

Created in the 1970s, Section 8 was designed to help low-income families, the elderly and the disabled pay for housing in the private market. Under current rules, the nation's 2,600 state, regional and local housing agencies get federal dollars, which are allocated according to each agency's administrative expenses and the cost of the vouchers it distributes.

The federal Department of Housing and Urban Development, which oversees the program, determines fair market rents and calculates median incomes across the country. Local housing authorities set income caps for families at between 50 percent and 80 percent of the median income in their areas. (Nationally, 50 percent of the median income is \$28,250 for a family of four.) Beyond these parameters, local agencies have lots of flexibility in determining which families they want to focus on — families moving from welfare to work, for instance.

While administration officials say they want to give the states even more flexibility, critics predict the Bush proposal would reduce the amount of money available to help low-income families, even as rents continue to climb across the nation.

"It's a radical proposal. And it's a proposal that has the potential for destabilizing a couple of million households for what appears to be no good reason, other than some ideological commitment to devolution and getting the federal government out of local control," says Sheila Crowley, president of the National

Low Income Housing Coalition.

When lawmakers talk of devolution, they mean shifting authority from the federal government to the states. Republicans have been especially vocal on this issue, making it the centerpiece of Newt Gingrich's 1994 Contract With America. It was the concept behind the 1996 law that shifted responsibility for welfare, the nation's income assistance program. Under that reform, states get block grants from the federal government and almost complete control to determine eligibility and benefit levels. The Bush Administration would extend the concept to the federal government's most common type of rent subsidy.

Under Bush's plan, income requirements would still rest with the federal housing agency, but local agencies could submit waivers for additional flexibility. Because the plan would require states to serve the same number of people no matter how much money they get — current voucher holders would be grandfathered in — they will be encouraged to find ways to stretch the dollars. They might, for instance, reduce new admissions of families with extremely low incomes — nationally, that's \$16,950 for a family of four, or roughly equivalent to the poverty line — to 55 percent of the total population served from 75 percent, which would reduce the cost of vouchers. And this has housing activists worried.

Federal officials, nevertheless, stress effectiveness as well as efficiency. Michael Liu, the federal agency's assistant secretary for public and Indian housing, has said in Capitol Hill testimony that program administration is balkanized by local jurisdictional boundaries. He suggests states could coordinate housing search efforts on a regional basis and could save money by consolidating administrative duties now performed by the local agencies.

Yet even state officials are concerned. Illinois Gov. Rod Blagojevich wrote Housing and Urban Development Secretary Mel Martinez opposing the proposal, saying the state doesn't have a system for operating a housing

voucher program and, given its fiscal troubles, can't afford to create one.

Illinois' 112 housing authorities administer more than 42,000 of the 2 million vouchers that go to local authorities nationwide. And local officials here contend they have more control under the federally run system than they would if a new state agency is created. "Local control is when Mrs. Jones knows that she can call me and say, 'This isn't right, that isn't right,'" says Willis Logan, who runs the Springfield Housing Authority and also heads the Illinois chapter of the National Association of Housing and Redevelopment Officials. "She won't be able to do that when this program goes to the state."

Housing advocates emphasize the Section 8 program is not welfare. In fact, only 13 percent of those receiving the housing vouchers are on welfare. Another 35 percent are working at low-paying jobs; the rest are disabled or elderly. And over the past 30 years, the program has become increasingly popular, especially as an alternative to troubled public housing projects in cities that concentrate low-income families in a few neighborhoods. It has gained support from conservatives and liberals alike because of its flexible, market-based approach: Those who qualify can choose to rent from any participating landlord.

But, administration officials reason, states could get more bang for the buck by coordinating housing programs with other services to low-income people, including job training and child care.

Some activists worry, though, that financial support for housing actually would suffer under the plan. After 2005, the year it would take effect, a new distribution formula would weigh performance. If a state can't use all of its funding, those dollars would be shifted to higher-performing states. Nor are there guarantees on the total amount Congress would appropriate for the program each year. Critics argue that, historically, funding for block grants goes down. They point to a study by the Center on Budget and Policy Priorities that tracked 11 block

grants serving low-income people. It showed funding has fallen, when adjusted for inflation, by an average of 11 percent since 1982. Liu counters that his agency's HOME block grant has received annual funding increases since 1993. If a program performs well, he says, it stands a better chance of getting future funding increases.

Still, activists note that block grants, typically tied to inflation, would be unlikely to keep pace with escalating rents. Over the past five years, according to Will Fischer, a housing policy analyst with the center, the Consumer Price Index has gone up 12 percent, while fair market rents, based on federal housing data, have gone up 25 percent. This year, for instance, the average rent in Illinois on a two-bedroom apartment is \$808.

Illinois officials have more specific concerns. For instance, administrative expenses in the state's rural areas could outpace the proposed administrative spending cap. And large cities could be pitted against one another for a piece of this state's allotment. "I'd hate to see Peoria battle Chicago or Rockford," says Lynne King, spokeswoman for the Peoria Housing Authority.

Her agency has more than 800 families on a waiting list for vouchers. Currently, 1,400 families in Peoria receive housing vouchers. The Springfield Housing Authority, meanwhile, is allocated 2,005 vouchers and has 350 families waiting. That waiting list would be much longer if housing officials hadn't stopped accepting applications in March.

However, those figures are dwarfed by the number of vouchers distributed by the Chicago Housing Authority, the third-largest public housing agency in the country. About 33,000 families are lucky enough to have vouchers now; more than 20,000 are waiting. It will take years for them to get assistance.

Further, Chicago is in the midst of a 10-year transformation of its public housing stock. The CHA is steadily demolishing its 1960s-era high-rises and replacing them with mixed-income communities through the help of \$1.6 billion in federal money. When the transformation is complete, scheduled for 2010,

the CHA will own just 25,000 units compared to 41,000 in the 1960s when there was no Section 8 program.

It's a trend in public housing across the country. "By concentrating large numbers of very poor people in a relatively small geographic area, all you do is exacerbate the social problems that very poor people tend to be more prone to," says CHA Board Chairperson Sharon Gist Gilliam in explaining the policy shift.

Any shift in the Section 8 program, though, would throw a wrench into Chicago's long-term plans.

So far, there doesn't seem to be much enthusiasm for the White House proposal on Capitol Hill, either. Twenty-eight U.S. senators, including Springfield Democrat Dick Durbin, signed a letter that stated, "We believe that such a proposal could seriously undermine the voucher program and could potentially harm the millions of low-income people assisted with housing vouchers."

Just prior to Congress' August recess, the Senate had yet to hold a single hearing on the proposal. A House Financial Services subcommittee had held five. But subcommittee chair Robert Ney, an Ohio Republican who introduced the measure on behalf of the Bush Administration, hasn't taken a position on it.

There are other hurdles. Members of the House Appropriations Committee refused to make changes in the funding structure that would clear the way for a block grant program as requested by Bush officials. They want to wait until the authorizing committee makes a move. At the same time, they increased funding for the voucher program in the upcoming fiscal year above what the White House sought.

The fate of the plan remains uncertain as Congress returns to business this fall. But Carma Kimber is certain about one thing: She plans to be one of the Section 8 success stories. "I don't know what I would do without Section 8," she says. "It gave me a start." □

Dori Meinert, a Washington, D.C., correspondent for Copley News Service, writes occasionally for Illinois Issues.

First Western heroes

Lewis and Clark may have been the first white Americans to savor the wild country, but they also were just about the last. We can only experience their journey to the unknown through reading

by Robert Kuhn McGregor
Illustration by Kathleen Riley

One of the benefits of hailing from a country bearing a history as contentious and adventure-laden as our own is the essentially unbroken string of special anniversaries we feel called upon to observe. No sooner are we past the bicentennials of the Revolution, the Constitution and George Washington's presidency than we find ourselves face to face with memories of the Louisiana Purchase and, more especially, the Lewis and Clark Expedition. True, the purchase doubled the size of the country, but no simple real estate transaction, however large, can stack up against three years of unparalleled dangers in grizzly bear country. It is Lewis and Clark who rightly capture the national imagination 200 years down the line.

Even the state of Illinois has seen fit to cash in on its role — however small — in the fabulous westward journey. The captains recruited the expedition force in and around St. Louis in the autumn of 1803, then established headquarters across the Mississippi

LEWIS AND CLARK READER

Lewis and Clark Among the Grizzlies, by Paul Schullery, Globe Pequot Press, 2002.

The Essential Lewis and Clark, by Landon Jones, Harper Collins, 2000.

Our Natural History: The Lessons of Lewis and Clark, by Daniel Botkin, Berkley Publishing Group, 1996.

The Natural History of the Lewis and Clark Expedition, by Raymond Burroughs, Michigan State University Press, 1995.

Those Tremendous Mountains: The Story of the Lewis and Clark Expedition, by David Freeman Hawke, W.W. Norton, 1980.

The History of the Lewis and Clark Expedition, 3 volumes, Elliott Coues, editor, Dover Publications, 1965.

The Journals of Lewis and Clark, Bernard DeVoto, editor, Houghton and Mifflin, 1953.

Original Journals of the Lewis and Clark Expedition 1804-1806, 7 volumes, Reuben Gold Thwaites, editor, Dodd, Mead and Co., 1904-1905.

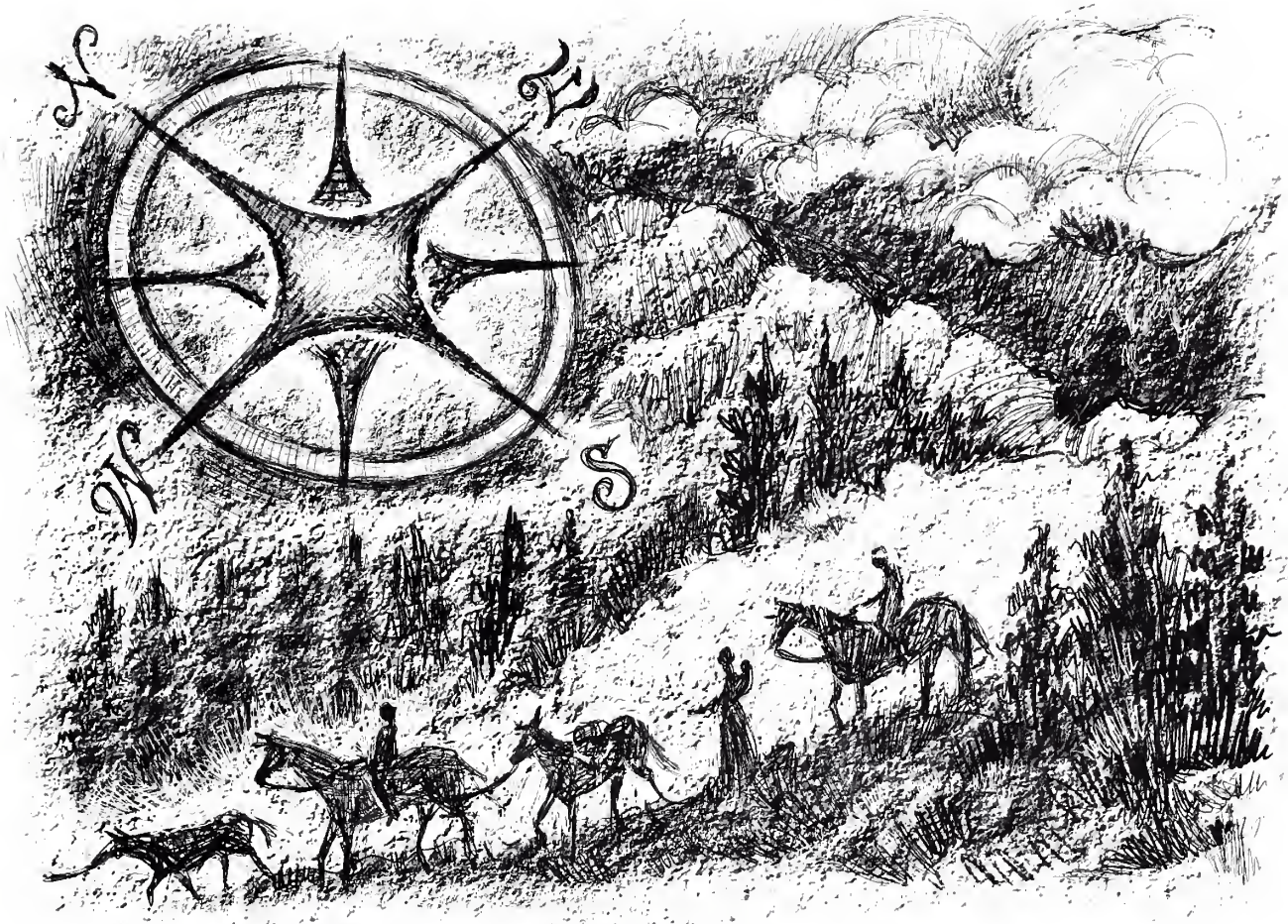
River to begin the work of training and organizing. The exact site of Camp River Dubois is unknown, but the stockade and log cabins were somewhere close to the conjunction of the Mississippi and Missouri rivers, close to Wood River on the Illinois side. This was deemed enough for the Illinois Historic Preservation Agency to establish a snappy exhibition center, complete with keelboat, just in time for the big anniversary.

In fact, Illinois is one of 11 states to claim a share in the expedition.

So just what is it about Lewis and Clark that we find so intriguing? The two-headed expedition is embedded in the national vocabulary, the inspiration for cultural references and wordplay. The names and the magic date 1803 are among the few historical facts most folks can honestly recall from grade school lessons. Captains Meriwether Lewis and William Clark's sojourn captures the imagination in ways that countless other explorations — by John Smith, Jacques

Cartier, Zebulon Pike, John Charles Fremont, John Wesley Powell — do not. These two men are the quintessential adventurers of our nation's history.

It's not as if there was much to show for their effort. President Thomas Jefferson charged Captain Lewis with exploring the country with an eye to commerce and communication, making, it was hoped, friendly contacts with the Indians along the trail and recording as much scientific informa-



tion as possible regarding the flora and fauna. There was much to do, even in three years, and Lewis felt incapable of shouldering sole responsibility. Unbeknownst to Jefferson, Lewis asked Clark to accompany him and they split the duties. Both captains kept journals, as did a couple of their men, but with different emphases. Lewis was far more introspective and alert to scientific detail. Clark drew excellent maps, but spelling was to him an exercise in imagination — deciphering his words is an adventure in itself. They sent and brought back a mountain of information, much of which the public of their time never saw.

Their floral and faunal specimens fell to the hands of incompetents; virtually all were lost or ruined. Publication of a so-so journal by an enlisted man scooped the captains; their own journals languished, unpublished until the 20th century. Congress did see fit to publish William Clark's excellent map of the Missouri drainage, the first

roadmap of the way west. There was little else to show for the adventure of a thousand lifetimes — little except the legend, and that grew very quickly indeed. Lewis and Clark became America's first Western heroes.

The expedition truly was a venture into the unknown. The excursion into the unmapped regions of North America had been Jefferson's childhood dream; he lived it vicariously through Lewis, his former personal secretary. When Jefferson originally asked Congress to fund the exploration, Louisiana theoretically belonged to Spain. That country had in fact refused the United States permission to investigate the region, even for scientific purposes. But for the purchase, history might well remember the expedition as an elaborate spy mission. How would we feel about it then?

The story is a much better one with the American flag flying in St. Louis as the company of maybe 40 readied to leave Camp River Dubois in May

1804. They followed the valley of the Missouri northwestward, taking five months to reach Fort Mandan, in what is now North Dakota. This initial stage took them through well-marked territories; the leap into the great unknown would come the following spring. Lewis and Clark spent that winter gathering such information as they could from local Indians, attempting to envision what lay ahead. Much of what they learned proved misleading.

There was an awful lot to worry about, even so. Opinions varied on the terrain they would encounter. Jefferson had assured Lewis the portage from the eastward-flowing Missouri to the westward-reaching Columbia River would be relatively easy, maybe a day's hike over mountains older and more worn than the Appalachians out east. The Indians were not so sure about that, a suspicion confirmed when the jagged peaks of the Rockies began to appear on the horizon the next summer. The passage

*As the expedition rushed
back down the valley
of the Missouri in the
summer of 1806, it
encountered several
parties on their way upstream.*

would be a nightmare: Stolid determination and a little good luck kept them from starving.

Which of the many branches of the Missouri was the true trunk of the river? Choose the wrong waterfall, the wrong stream, and they would wander into the mountains and perhaps never be heard from again. Add to this and other topographical dilemmas some pointed questions about the hostility of the Indians along the route, the ferocity of the grizzly bears, the mountain lions and the wolves, and we see there were enough concerns to keep a worried expression on anyone's face. They had to be across the Rockies before winter set in, or choose from a variety of very unpleasant alternatives. Danger and uncertainty are the necessary ingredients in any great adventure.

Lots of books about this journey into the North American unknown have inevitably appeared as the bicentennial approaches. Others that could have been written: *Lewis and Clark Among the Eskimos*, *Lewis and Clark Join a Support Group*, *Lewis and Clark Go for a Trip*. And why not? This was an undertaking so large, so challenging, so multidimensional that no author can hope to claim more than a piece of the story. Modern publications of the captains' journals are invariably edited, focusing for instance on descriptions of the country, accounts of wildlife, narratives of Indian encounters or relations among the expedition members. To read those journals in their entirety is an immense

task, the devoted work of many years.

Secondary histories follow the same strategy: divide, analyze, come to grips with one integral aspect of this huge story. There is just so much. Entire studies are devoted to the natural history material the journals record. The same with the ethnographic material. Lewis and Clark may not have understood much of the Indian cultures they saw, but they did record what they witnessed faithfully. Sifting through the biases of assumed Euro-American superiority, there is much for the student of Native American life to contemplate.

And there are the experiences of the venturers. Reading the casual references to the harsh military discipline of the time, the corporal punishments especially, can come as a shock. These were hard men, bent on a hard task. All saw the discipline as critical to survival, and it probably was. We catch glimpses of the enlisted men as a high-spirited, hard-living (and loving) bunch, prepared to follow a tough-minded leader.

The leaders are the subjects of endless scrutiny, endless psychohistoricizing. Both were eagle-eyed men of courage, beyond doubt. William Clark seems the more straightforward of the two, the bluff frontiersman with the limited education, the steady cartographer's hand and the pining heart. Meriwether Lewis is the darker figure, possessing an open and inquisitive intellect, a larger appreciation of his enterprise and an ominous melancholia that would spiral eventually into suicide.

And looking over the shoulders of these intrepid types is Sacagawea, the unlikely heroine of movies, novels and coinage. Her story is just about impossible: the young girl kidnapped, sold into slavery, eventually married to a spouse-beating French trader named Toussaint Charbonneau, who agreed to guide the captains to the Missouri headwaters. Charbonneau turned out to be worthless and very nearly dead at the hands of Clark, but Sacagawea, after giving birth and surviving a near-fatal illness, assisted the party into the Rockies and, unbelievably, into the welcoming arms of her own people. Her eventual fate is most

appropriately lost in the mists of time.

So much to chew on. Lewis and Clark could easily become a full-time avocation. For some folks it is just that, a lifetime's hobby of reading and deciphering journals, identifying people and places, attending to the squabbles of historians, tracing the route on modern maps, on modern highways. For such individuals, the expedition is the center of their lives. For a great many more, it is a historical event that gnaws at the raw edges of our attention, a challenge to our understanding of ourselves. Why? What is it about this uncharted road to there and back again that is so compelling? The answer, I think, lies in what we discover when we, the citizens of the 21st century, attempt to trace the footsteps of Lewis, Clark, Sacagawea and the rest.

As the expedition rushed back down the valley of the Missouri in the summer of 1806, it encountered several parties on their way upstream. Hunters on the lookout for big game, trappers in search of new territories, traders bent on quick profits from guileless Indians, squatters looking for open land in advance of government surveyors. Lewis and Clark had opened the door to America's new possessions, and civilization was beginning to pour through. Before very long, there would be regular steamboat service on the Missouri. In little more than 60 years, a transcontinental railroad would connect the Atlantic and Pacific shores. Sportsmen would be shooting bison from train cars, helping the government kill roughly 40 million before the cavalry drove the last bedraggled herds into Yellowstone Park. The descendants of Lewis and Clark's Indians would be herded up as well, shoved onto miserable excuses for reservations where they remain to this day. The West had begun a momentous transformation. The great expeditioners may have been the first white Americans to savor the wild country, but they were also just about the last.

Tourists today are amazed to discover that too often a shopping mall stands on the site of one of Lewis and Clark's

more memorable confrontations with Indians, with wildlife, with themselves. There is little danger of seeing a wild predator: the government extirpated the wolves three quarters of a century ago. The last remnants of the grizzlies and cougars wander a much restricted range, struggling to survive. Interstate highways enable the determined to cover the entire expedition route in a few days. If need be, they can fly from St. Louis to the mouth of the Columbia in a matter of hours. The words "wild" and "west" now reside uncomfortably in the same sentence. The captains were the emissaries of a taming civilization.

And in this lies our fascination with the wonderful exploits of Lewis, Clark and Sacagawea. America would never again be as big, as open, as mysterious as the country was in 1803. We acquired Louisiana not for its magic, but for its resources, its wealth. Above all else, the expedition was to examine the economic potential of the newly acquired territory. Yet it is the magic of the wild country that possesses the greater appeal. Anyone can be rich, perhaps, but only Lewis and Clark witnessed the kind of riches we have lost forever, the wide and romantic wilderness, alive with unknown beasts and cultures strange. Their journals are roadmaps for the imagination, a journey to the unknown we can experience only through reading. Federal highways have paved over everything else of Lewis and Clark.

So another bicentennial draws near, another page in our history turns. Unlike so much of the past we pretend to celebrate, most of us really do remember something of Lewis and Clark. They were the boys who journeyed out west, experienced some ticklish negotiations with Indians, nearly got themselves lost and starved in the Rockies, almost had their heads handed to them by irritated grizzlies. A real shame none of us will ever enjoy the same opportunities.

Unless we read about them. And use our imaginations. □

Robert Kuhn McGregor, an environmental historian at the University of Illinois at Springfield, is a regular contributor to the magazine.

LEWIS AND CLARK TOUR

Though the big show to commemorate the 200th anniversary of the start of Lewis and Clark's expedition starts next May, several warm-up acts are taking place around the state this fall and early winter.

A festival of traditional music and dance of the late 18th and early 19th centuries will take place the 13th and 14th of this month at the Lewis and Clark State Historic Site in Hartford. Built near the spot where the Corps of Discovery spent the winter two centuries ago, the site has the distinction of being named the first stop on the Lewis and Clark Historic Trail, one of just 15 national Signature Events designated by the National Council of the Lewis and Clark Bicentennial.

A volunteer group of history re-enactors, the Discovery Expedition of St. Charles, Mo., will make several stops in Illinois as they retrace the route taken by Meriwether Lewis and William Clark, following as closely as possible the dates and places noted by the captains two centuries ago.

The first stop in this state will occur November 9-10 at Cave-In-Rock, Old Shawneetown. Then the expedition lands November 12-15 at Fort Massac, the state historic site in Metropolis at the southern tip of Illinois, where Lewis and Clark recruited three men to be part of their corps. The next stop on November 15-19 will be Cairo, at the confluence of the Ohio and Mississippi rivers, which was still wilderness when the expedition camped there a few days to practice using some new navigational instruments.

From November 30 to December 2, the re-enactors will be in Chester, the town near the original site of Kaskaskia, the territorial capital in 1803. Lewis and Clark took 11 men into the corps from Fort Kaskaskia.

Four days later, the group plans to arrive at Cahokia and remain until the 10th. Lewis stayed at the early Illinois settlement to collect intelligence about the upper Missouri River and lobby the power brokers in St. Louis, then in a another country, for permission to continue the exploration. Clark took the rest of the corps up to what is now Wood River and set up Camp River Dubois to spend the winter getting ready for the journey.

Over the weekend of December 12-14, the new state interpretive center will become the base for the re-enactors to pitch their tents close to where the corps made winter camp in Illinois. There will be additional displays of period clothing, Native American artifacts and performances of period music. For more information, go to www.campriverdubois.com.

A National Park Service traveling exhibit depicting various aspects of the expedition also will visit five Illinois sites: Cairo, November 20-24; Chester, December 8-13; Cahokia, March 19-22; Rend Lake, April 14-17; and Alton, May 10-15. For more information, see www.nps.gov/lccl. *Beverley Scobell*

TRIBUTE

Chicago journalism lost a legend last month, and *Illinois Issues* lost a friend. Robert Davis, the *Chicago Tribune's* longtime City Hall reporter, died of heart disease at age 61.

After years as an occasional contributor to the magazine, Davis became *Illinois Issues's* "View from Chicago" columnist upon his retirement from the *Tribune*. Our readers are fortunate to have had a chance to see his take on the world.

Davis was a rare combination of humor and toughness, qualities he honed through years as a beat reporter and old-school rewrite man. He had such an appreciation of human failings that his writing never became cynical.

And he could do it all faster than anyone else. Yet, when Chicago's vaunted City Hall press corps marveled at the speed and elegance of his craft, Davis shrugged it off as the product of a lifetime in journalism that went into every word. "It took five minutes and 30 years," Davis said.

He could see what other reporters failed to notice, and his ability to stitch together the loose ends separated him from the pack. "Anybody can write a story," Davis said. "It takes a real reporter to put it on Page One."

And Davis had the talent to back up this jovial confidence. "He was very incisive in his questioning," former Chicago Mayor Jane Byrne recalled for the *Tribune's* obituary. "He always knew the score. Before he even asked, he knew the score."

Byrne — once described in a Davis story as having a "whim of iron" — threatened to toss him from City Hall when she got into a political fight with the *Tribune* in 1980. Usually a casual



Robert Davis

dresser, Davis showed up for work in a coat and tie on the day he expected to get the boot. The *Tribune* reported that Davis, always ready with a quip, told his colleagues: "I only wear ties for church, funerals, weddings and evictions." He later joked that one of his friends put the whole Byrne matter into perspective by telling him his obit would simply be a couple of paragraphs longer.

Davis loved to point out life's ironies, the foibles of politicians and the oddities of the seven mayors he covered. He was unafraid to whip out a line in print — or on the fly in person. One day, Alderman Fred Roti, who hailed from Chicago's mob-influenced 1st Ward, came strolling through the City Hall press room in the middle of a re-election campaign, and Davis began to ad lib words to the theme song of the *The Godfather*: "Vote for Roti, and then nobody gets hurt." The room went silent as all eyes turned to Roti. The alderman turned slowly, hitched up his pants and smiled.

Davis' work ranged from coverage of the 1968 riots during the Democratic National Convention to the trial of the Chicago Seven, yet he also had a knack for pushing reluctant politicians into telling the public what they were up to. When covering Richard M. Daley, the

city's current mayor, Davis was not always the first to fire off a question at a press conference. But he knew when to pin down a politician. It was Davis' questioning in 1991 that first revealed Daley was thinking about putting casinos in Chicago. Daley called Davis "one of the finest reporters who ever covered Chicago city government."

"Bob," Daley said in a statement, "was fair and accurate and extremely well informed — and he had a wonderful sense of humor."

Often sitting like a Buddha peering over a computer terminal, Davis dispensed rapid-fire advice to reporting interns, youngsters at City News Bureau and any colleague wanting to tap his rich reservoir of wisdom.

He observed that people get angrier at politicians over the nickel-and-dime scams than the big-money rip-offs. People, he said, find it easier to grasp when a politician steals a million dollars because a citizen also might be tempted if he had the chance. But it is allegations that former U.S. House Ways and Means Committee Chairman Dan Rostenkowski traded stamps for cash and stories about officials getting free housing in the Forest Preserve that really make people mad.

Davis would caution colleagues to listen closely to the full tape recording of an interview with the mayor before they scurried to put a quote into a story: "You need to know the questions before you know the answers."

And he once teased a colleague about failing to embrace variety. "I hope I never walk into a deli in Chicago and order 'the usual.'"

The staff of *Illinois Issues* certainly won't remember Bob Davis as "the usual."

BIT

John J. Houlihan

The longtime voice of Illinois veterans died July 24. The former Democratic state representative was 80.

At the time of his death, Houlihan was supervisor of Cook County's Veterans Assistance Commission, but the Palos Heights resident had also been director of the Illinois Department of Veterans' Affairs and the administrator of the Illinois Veterans' Commission. He served eight years

in the legislature after his election in 1965.

A Marine who served in World War II, Houlihan was appointed to head veterans affairs by former Gov. Dan Walker. Houlihan was a heavily decorated veteran who was awarded the Asian Pacific Medal, the Marine Corps Medal and the Purple Heart.

Houlihan, who had previously operated an insurance agency, also was a former deputy treasurer of Will County.

Cook County Board President John Stroger praised Houlihan as a "quintessential hero, family man and a passionate public servant."

SHIFT AT THE TOP

A temporary U.S. attorney for the Southern District of Illinois stepped up to the plate on September 1. Deputy U.S. Attorney **Richard Byrne** was tapped to fill in for **Miriam Miquelon**, who resigned unexpectedly and took an administrative leave of absence in July.

Byrne, who had been chief of staff for the Executive Office for U.S. Attorneys, was selected by Attorney General John Ashcroft to serve until a permanent replacement is chosen.

Miquelon's appointment last August followed a contentious political battle over prosecutorial style. It took U.S. Sen. Peter Fitzgerald nearly a year to gain the backing of the state's other senator — Dick Durbin — in his drive to install Miquelon.

Prior to taking the lead federal prosecutor post for southern Illinois, Miquelon was best known for winning convictions of Amiel Cueto and Thomas Venezia, two prominent Democratic figures in the Metro-East area, on charges that included conspiracy and obstruction of justice.

She told reporters she was resigning to boost her income so she can put her two children through college.

A PPOINTMENTS

Peter Vina, a former firefighter and arson investigator, is now the state's fire marshal. Vina, who worked for the Maywood Fire Department for 11 years, managed Chicago's branch of the State Fire Marshal's office from 1989 to 1995. He also held posts at the Illinois Department of Public Aid and the Illinois Department of Human Services. Vina is the first Hispanic to become state fire marshal.

Blagojevich has appointed other Latinos to leadership roles, including Chicagoan **Roxanne Nava**, a vice president at the Northern Trust Co., who will direct the Department of Financial Institutions, and Chicago attorney **Fernando Grillo**, who will head the Department of Professional Regulation.

Lori Levin, an assistant Cook County state's attorney, was named executive director of the Illinois Criminal Justice Information Authority. Levin supervised the Seniors and Persons with Disabilities Division of the Cook County state's attorney's office.

Anthony Licata, a Chicago real estate attorney, was named to the Illinois Capital Development Board. Licata has been chief operating officer of the Shesky and Froelich law firm since 1998.

Several new members were appointed to the Illinois Board of Higher Education. **Proshanta Nandi**, a professor emeritus at the University of Illinois at Springfield, and **Gilbert Rutman**, an emeritus professor at Southern Illinois University-Edwardsville, were appointed to six-year terms. **Frances Carroll**, instructional supervisor for a DePaul University program, was appointed to a one-year term as the public university representative to the board. Carroll qualifies for that post because she also serves on the University of Illinois Board of Trustees. **Thomas Lamont** had been the public university representative on the higher ed board. Lamont, a Springfield attorney and former chairman of the University of Illinois Board of Trustees, has now been appointed to a six-year term on the higher ed board. **Jerry Blakemore**, former chairman of the higher ed board, was reappointed to a six-year term. Blakemore, a Chicagoan, is the chief executive officer of the Illinois Sports Facilities Authority.

AWARDS

Several Illinoisans were honored for journalistic excellence by the Association of Capitol Reporters and Editors at that group's annual convention in Minneapolis. **Nicole Ziegler Dizon** of The Associated Press in Chicago won first place in the public service reporting category. Springfield-based Copley Illinois Newspapers reporter **Adriana Colindres** received second-place honors for beat reporting and **Ziegler Dizon** took third-place in the wire service division of that category. **Sean Crawford** of Springfield-based public radio station WUIS-FM won an honorable mention for radio beat reporting.

The journalism association, which supports excellence in state government reporting, has members from 44 states.

JUDICIAL PAY

Constitutional tug-of-war

Illinois judges sued for a cost of living salary adjustment they contend is constitutionally guaranteed after Gov. **Rod Blagojevich** vetoed the raise from this fiscal year's state budget.

Cook County Circuit Judges **Ann Jorgensen** and **Stuart Nudelman**, on behalf of all Illinois judges, are litigating the complaint in Cook County Circuit Court.

The judges want a 2.8 percent increase for fiscal year 2004, as well as a retroactive 3.8 percent increase for fiscal year 2003. Judicial salaries range from \$127,247 for associate judges to \$158,103 for Supreme Court justices.

The complaint ties the Illinois Constitution's guarantee that judges' salaries "shall not be diminished" with a legislative resolution deeming an automatic cost of living adjustment a component of annual compensation. The judges argue that Blagojevich's veto of the cost of living adjustment was an unconstitutional diminution of their salaries.

Attorneys for the parties to the suit — Blagojevich and state Comptroller **Daniel Hynes** are named defendants — were scheduled to brief the court on their arguments in late August.

No common notion and no shared vision

I'm prompted to reflect on Peggy Boyer Long's editor's notebook about ethics in Illinois government (see *Illinois Issues*, June, page 3).

After working over 27 years combined in the not-for-profit, local and state government sectors, I've had plenty of chances to see it all. There are those who sacrifice themselves for the public good, others who serve only themselves and the vast majority who are in between. They are mostly quite good people.

The terms "individualistic political culture" and politics as "personal entrepreneurship" used in the article are instructive. You can be the best or the worst, but in Illinois you have to make up your mind which it will be and how far you want to go with it. This is at least partly because there is no common notion of what

is good for Illinois, no shared vision.

Illinois is fragmented among Chicago, the collar counties and downstate — all of which have about a third of the population. They have significantly different perspectives on what is good for Illinois. Seldom do all three want something in common. If any of the three pursues an agenda, the other two almost always want a payoff for their constituents as well.

Maybe some inspiring leader in the future will be able to unite all three, but that would be very difficult. It's a combination of geography, history and politics, capable of producing Abraham Lincoln and a plethora of governors who have gone to prison.

That's just the way it is in Illinois.

**Bob Soltan
Rochester**



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Your comments are welcome.
Please keep them brief (250 words).
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Letters to the Editor
Illinois Issues
University of Illinois at Springfield
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Charles N. Wheeler III



It's risky for Illinois politicians to bet on future growth in gaming revenue

by Charles N. Wheeler III

Are we killing the goose that's been laying golden eggs in the coffers of state and local governments for the last dozen years?

Since 1991, Illinois' riverboat gaming industry has produced some \$3.5 billion in tax revenues for the state and for the nine communities in which the floating casinos have docked.

But the ongoing bounty may be susceptible to a couple of worrisome trends documented in Illinois Gaming Board reports and in a new study from the Illinois Economic and Fiscal Commission. The ominous portents:

- Fewer people are heading to the boats. Admissions in July were down more than 14 percent from the July 2002 tally, a loss of more than 235,000 patrons. Indeed, July was the 11th month in a row to see fewer bettors on board than in the corresponding month a year earlier.

- Casino operators' receipts — what the house keeps after paying winning bettors — are declining. In July, casinos reported adjusted gross receipts of \$143.6 million, compared to \$158.6 million in July 2002, a dip of more than 9 percent. Monthly receipts have been less than the previous year for 10 consecutive months.

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Still, despite fewer admissions and lower receipts, the state's main

For all of fiscal year 2003, admissions were off 4.6 percent, while receipts dipped almost 2 percent for the state's nine licensees.

checking account took in \$554 million in gaming taxes last year, some \$84 million more than in FY2002. But the increase largely was due to a July 1, 2002, tax hike that boosted the top rate on the highest-grossing boats to 50 percent from 35 percent. Even so, the new money was only about two-thirds of what the tax hike was expected to produce.

The FY2003 news was worse for the locals, who get a much larger share of gaming revenues from admissions fees. Fewer patrons resulted in a collective loss of almost \$3 million, roughly a 2.5 percent drop, for the eight towns now hosting boats.

In the current budget, meanwhile, Gov. Rod Blagojevich and Illinois lawmakers are counting on an additional \$190 million in gaming taxes from yet another rate hike, this one including a

70 percent bite on receipts in excess of \$250 million. They also hope to net \$350 million from the sale of a dormant 10th license.

The projections seem shaky in light of the continuing patron drain documented in the Gaming Board's monthly reports. And the fiscal commission's gaming study cautions that increased gaming revenues could be as low as \$125 million in FY2004.

"What we're seeing from the numbers is that the state is getting the revenue because of the tax increase, but the adjusted gross receipts and the number of participants are down," says Dan Long, the commission's executive director. "The boats at that rate are not making the investments in their facilities, and they are cutting back on the freebies and promotional stuff."

Also skeptical is Tom Swoik, executive director of the Illinois Casino Gaming Association, the industry's trade group. "I don't believe they're going to generate anywhere near what they're anticipating," he says. Swoik and other industry officials blame the eroding patron base and declining casino revenues on the tax hikes, which leave Illinois with the highest gaming taxes in the nation.

With an eye to the bottom line, Illinois' casino operators have been belt-tightening for more than a year, laying off workers, cutting back on expansion plans, limiting promotional activities, shortening hours, increasing

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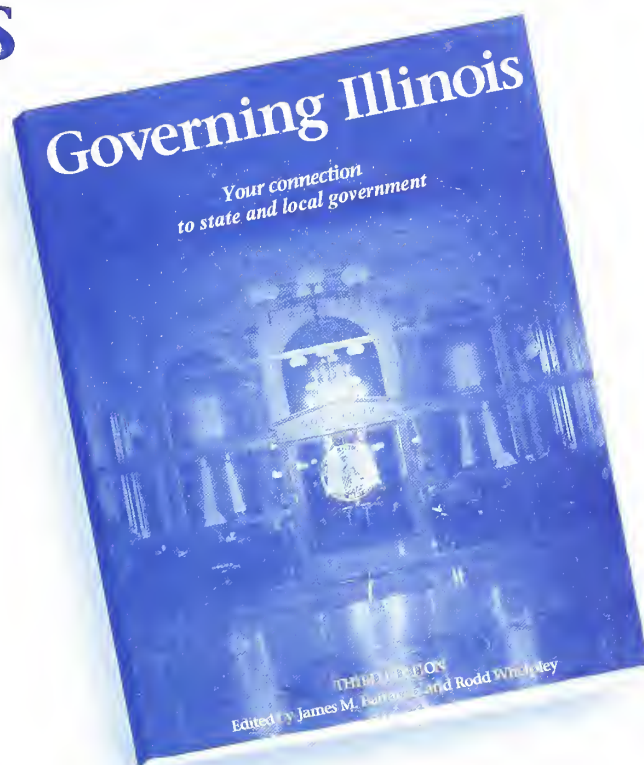
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prices for food and drinks, and charging for parking and admission.

Besides higher tax rates, Illinois has tighter rules than neighboring states. Thus, Illinois boats are at a disadvantage against competitors docked in Indiana, Missouri and Iowa. For example, the top tax rate is 35 percent in Indiana, where five casinos in the state's northwestern corner can accommodate 10,000 gamblers, 24 hours a day. In contrast, the four boats in suburban Chicago can handle only 4,800 at a time, and are required to close two hours every day.

So it's no surprise, Swoik says, that the Indiana boats are drawing Chicago-area customers across the border. "In the last fiscal year, Illinois lost 3.5 percent of its market share to Indiana," he says. "Revenues were up 12 percent for Indiana boats, while they were down 2 percent for Illinois."

In the current economic climate, the commission study notes, people have less money to spend on such nonessential items as entertainment. Or perhaps "the novelty of dockside

As lawmakers struggled last spring to find new revenue, the gaming industry proposed rolling back the earlier tax hikes — to a top rate of 35 percent — and letting casinos have more slots and table games.

gambling may have lost its draw," the study suggests.

Yet, while casino revenues dropped last year in Illinois, they were up for boats in all three neighboring states, the study reports. "These figures support the argument that Illinois gaming patrons are looking elsewhere to board riverboats," the study concludes.

Whatever the underlying cause for the exodus, gaming revenues aren't

likely to grow under current conditions, and an ongoing legal wrangle could delay the sale of the 10th license for years.

As lawmakers struggled last spring to find new revenue, the gaming industry proposed rolling back the earlier tax hikes — to a top rate of 35 percent — and letting casinos have more slots and table games. The changes would level the playing field with nearby states and keep Illinois gaming dollars at home, industry leaders said, while producing \$274 million more for the state and \$75 million more for local governments.

The plan went nowhere after Gov. Blagojevich pulled the plug on gaming talks. But as state finances remain uncertain and bills continue to pile up, the governor and the legislature might be tempted to take another look. Don't bet against it. □

Charles N. Wheeler III is director of the Public Affairs Reporting Program at the University of Illinois at Springfield.

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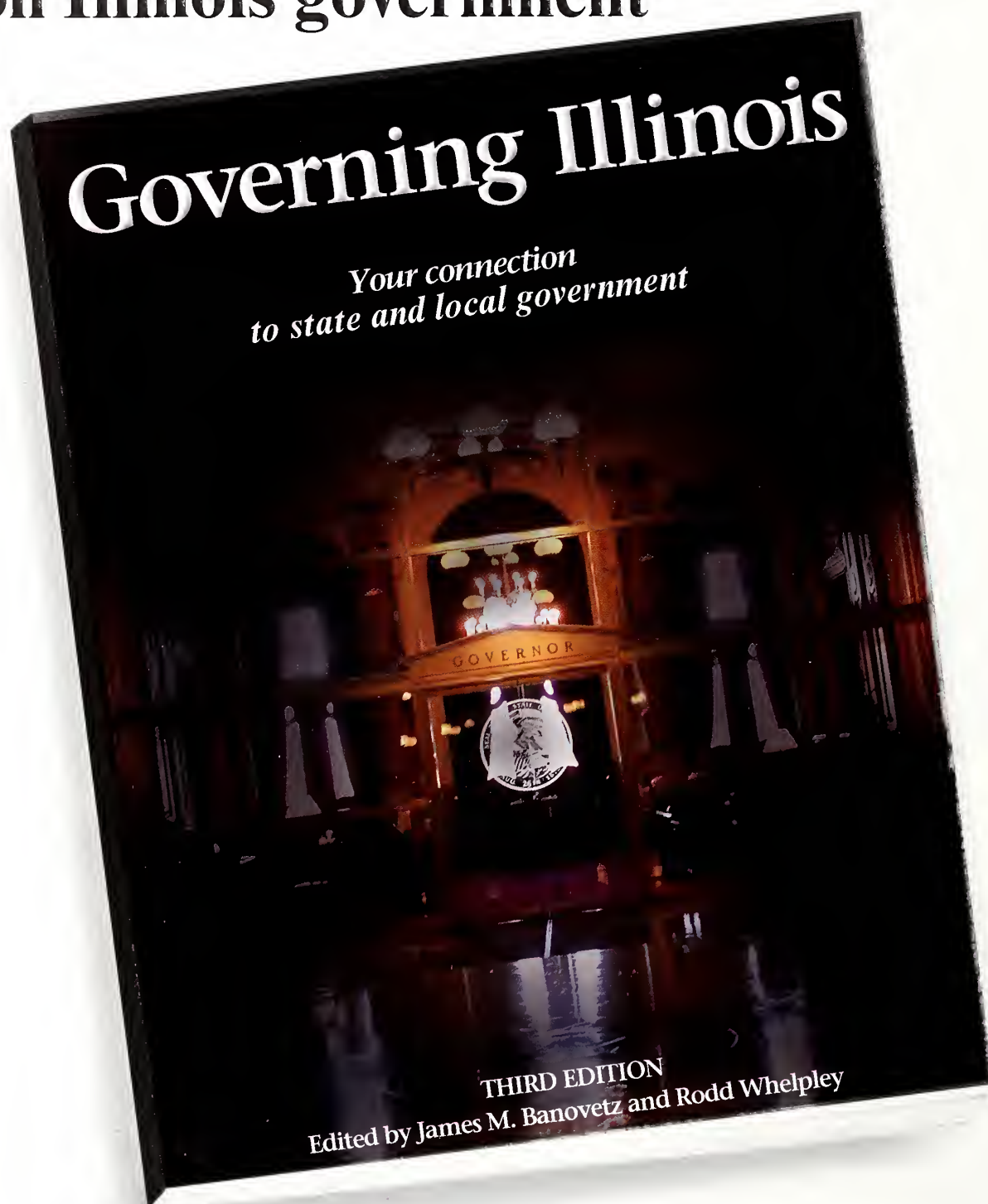
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